

**SCHEDULE “X”
ADULT LIVE ENTERTAINMENT PARLOUR**

1.0 Definitions

1.1 In this Schedule:

“Adult Live Entertainment Parlour” means any premises or part thereof in which, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations are Provided or offered;

“Attendant” means any person, other than an Owner or Operator, who Provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Live Entertainment Parlour and includes an entertainer;

“Entertainment Area” means the entertainment areas shown on the floor plan approved by the Licence Manager under subsection 5.1(i) of this Schedule;

“Operator” means a person who, alone or with others, operates, manages, supervises, runs or controls an Adult Live Entertainment Parlour, and “operates” has a corresponding meaning;

“Owner” means a person who, alone or with others, has the right to possess or occupy or actually does possess or occupy an Adult Live Entertainment Parlour and includes a lessee of an Adult Live Entertainment Parlour or of premises in which an Adult Live Entertainment Parlour is located;

“Owner/Operator” means an individual person who owns and operates his or her own Adult Live Entertainment Parlour;

“Police Record Check” means a vulnerable criminal information report that is a result of a search of the local police records where the Applicant resides and the national databases maintained by the Canadian Police Information Centre;

“Provide” when used in relation to Services in an Adult Live Entertainment Parlour, includes to furnish, perform or give such services, and “providing” and “provision” have corresponding meanings;

“Services” in reference to an Adult Live Entertainment Parlour includes without limitation, entertainment, activities, facilities, performances, exhibitions, viewing and encounters, but does not include the exhibition of film approved under the Theatres Act;

“services designed to appeal to erotic or sexual appetites or inclinations” in reference to an Adult Live Entertainment Parlour includes:

- (a) services of which the principal feature or characteristic is the nudity or partial nudity of any person; or
- (b) services in respect of which any one or more of the words “nude”, “naked”, “topless”, “bottomless”, “sexy”, “table dancing”, “lap dancing”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

2.0 Licence Categories:

- 2.1 The following categories of Adult Live Entertainment Parlour licences are hereby established:
 - (a) Adult Live Entertainment Parlour Operator; and
 - (b) Adult Live Entertainment Parlour Owner.
- 2.2 Every Owner/Operator of an Adult Live Entertainment Parlour:
 - (a) is required to be licensed as both an Owner and an Operator;
 - (b) shall pay the fee in respect of each licence respectively;
 - (c) shall be subject to the requirements and other provisions of this By-law in respect of their status as both an Owner and an Operator, and shall comply with all of the requirements of this By-law applicable to each.
- 2.3 No person other than an individual person may operate, or be licensed as an Operator of an Adult Live Entertainment Parlour.
- 2.4 Where a person owns more than one Adult Live Entertainment Parlour, a separate Owner licence is required for each Adult Live Entertainment Parlour. Every Owner licence for an Adult Live Entertainment Parlour shall have endorsed on its face by the Licence Manager the location of the premises to which it applies. The endorsement shall be for one location only and such licence shall be valid only for the location endorsed thereon.
- 2.5 Where a person operates more than one Adult Live Entertainment Parlour, a separate Operator licence is not required for each location operated by them.

3.0 Limitation on Locations for Adult Live Entertainment Parlours

- 3.1 No person shall own or operate an Adult Live Entertainment Parlour except in the defined areas or locations designated as Areas 1, 2, 3, and 4 on Schedules "XX", "XX-1", "XX-2", "XX-3", and "XX-4" of this By-law.
- 3.2 Not more than one (1) Adult Live Entertainment Parlour Owner Licence shall be issued for any separate area or location identified on Schedule "XX".

4.0 Limitation on the Number of Licences

- 4.1 The total number of Adult Live Entertainment Parlour Owner licences authorized under this By-law is limited at any time to four (4) and not more than one (1) licence shall be issued with respect to each defined area or location designated on Schedule "XX" including any numbered part thereof.
- 4.2 No person shall hold all of the Adult Live Entertainment Parlour Owner licences issued under this By-law.

5.0 Application for Licences and Renewals

- 5.1 In addition to all of the requirements of Part 6 of this By-law, every application for an Adult Live Entertainment Parlour licence and renewal licence shall include the following information:
 - (a) in the case of an Owner licence, whether the Applicant is a sole proprietorship, partnership or corporation;
 - (b) where the Applicant is a sole proprietorship or partnership, the full name, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
 - (c) in the case of an Owner licence, where the Applicant is a corporation or a partnership of which a member is a corporation, the date and jurisdiction of incorporation, and the full name, street address, mailing address, occupation, date of birth and citizenship or immigration status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;

- (d) particulars of the nature of business or employment during the previous three (3) years of the individual who is the sole proprietor or of each member of the partnership or of each officer, director and shareholder of the corporation;
- (e) the full name and address of any individual or corporation whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the Applicant;
- (f) the name under which the Adult Live Entertainment Parlour is to be operated;
- (g) the street address at which the Adult Live Entertainment Parlour is to be operated;
- (h) a Police Record Check for the Applicant, any partner if the Applicant is a partnership, or any officer, director or shareholder of the corporation if the Applicant is a corporation; dated no later than 60 days prior to the application for a licence;
- (i) in the case of an application for an Adult Live Entertainment Parlour Owner licence, a floor plan, drawn to scale, of the Adult Live Entertainment Parlour, confirmed by inspection by the Manager of Municipal Law Enforcement and approved by the Licence Manager, that clearly shows no more than two (2) designated Entertainment Areas, the patron area or areas and all walls, curtains or other enclosures; and
- (j) in the case of an application for an Adult Live Entertainment Parlour Owner licence, the class of any licence issued in respect of the premises under the *Liquor Licence Act* and particulars of any special terms and conditions attached thereto.

6.0 Powers of Licence Manager

6.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing signage and advertising standards for Adult Live Entertainment Parlours required under subsection 8.1(c) of this Schedule including without limitation to, manner, form, size, media and content; and
- (b) prescribing the manner, form and content of records required to be kept by an Adult Live Entertainment Parlour Owner under section 8.1(d) of this Schedule.

7.0 Prohibitions

- 7.1 No person shall own or operate an Adult Live Entertainment Parlour without a current valid licence issued under this By-law.
- 7.2 No Owner shall permit any person other than a licensed Operator to operate their Adult Live Entertainment Parlour.
- 7.3 No person shall operate an Adult Live Entertainment Parlour for which the Owner thereof is not licensed under this By-law.
- 7.4 No Owner or Operator of and Adult Live Entertainment Parlour shall permit or allow any person under the age of eighteen (18) to enter or remain in any Adult Live Entertainment Parlour owned or operated by them.
- 7.5 No Owner or Operator of an Adult Live Entertainment Parlour shall permit or allow any person under the age of eighteen (18) to Provide any Services or act as an Attendant in an Adult Live Entertainment Parlour.
- 7.6 No Owner or Operator of an Adult Live Entertainment Parlour shall permit or allow any Attendant while they are performing Services as an Attendant to touch or be touched by or to have physical contact with any person in any manner whatsoever involving any part of that person's body.
- 7.7 No Attendant shall, while providing Services in an Adult Entertainment Parlour, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

8.0 Regulations

- 8.1 Every Owner of an Adult Live Entertainment Parlour shall:
 - (a) ensure that at all times when the premises are open for business as an Adult Live Entertainment Parlour or when any Services are Provided in such premises that a licensed Operator is available to attend on the premises at the request of an Enforcement Officer.
 - (b) post and keep posted at every entrance to their Adult Live Entertainment Parlour and in a prominent location inside such entrance, signs sufficient to indicate clearly to any person entering the premises or in the premises that no person under the age of eighteen (18) years is permitted to enter or remain in the premises or part thereof;

(c) comply with all of the signage and advertising standards for Adult Live Entertainment Parlours prescribed by the Licence Manager;

(d) maintain a record of all Attendants for their Adult Live Entertainment Parlour as prescribed by the Licence Manager.

8.2 Every Owner and Operator of an Adult Live Entertainment Parlour shall ensure that:

(a) no Services provided are visible from outside the premises in which the Adult Live Entertainment Parlour is located;

(b) all Services Provided by an Attendant are within the unobstructed and unobscured view of an Entertainment Area;

(c) their Adult Live Entertainment Parlour is operated in accordance with the floor plan approved by the Licence Manager under section 5.1(i) of this Schedule;

(d) no changes to the floor plan required under section 5.1(i) of this Schedule are made without obtaining the prior written approval from the Licence Manager.

9.0 Location Requirements

9.1 Council may, at any time, consider an application to amend Schedules XXXX of this By-law to delete a location, to substitute a new location for an existing location, or to add a new location.

9.2(1) In addition to any other location and licensing requirements contained in this By-law in order for a licence to be issued, any new location for an Adult Live Entertainment Parlour must conform to the following criteria:

(a) An Adult Live Entertainment Parlour shall not be located on lands according to the City of London's Zoning By-law Z-1 which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;

(b) An Adult Live Entertainment Parlour shall not be located within 100 metres of lands according to the City of London's Zoning By-law Z-1 which are exclusively zoned Residential or lands zoned Residential in combination with a compound zone;

(c) An Adult Live Entertainment Parlour shall not be located within 100 metres of the premises of a school, a day-care centre or a place of worship, existing on the date of the request for an amendment to Schedules XXXX of this By-law;

(2) The separation distance as prescribed in subsections (1)(b) and (1)(c) shall be measured in a straight line in any direction from any point on a property line of the lot containing the Adult Live Entertainment Parlour to the nearest point on a property line of: lands exclusively zoned Residential; lands zoned Residential in combination with a compound zone; the premises of a school; the premises of a day-care centre; or, the premises of a place of worship.

- 9.3 Any request under section 9.1 shall be made to the Licence Manager and shall be accompanied by a fully completed application for the issuance of an Adult Live Entertainment Parlour Owner licence.
- 9.4 The Licence Manager shall give notice by personal service or prepaid first class mail to every owner of land within 120 meters of the proposed new location who may submit comments and recommendations to the Licence Manager in respect of the request within such time, which shall not be less than thirty (30) days from the notice by the Licence Manager of the request, as the Licence Manager may specify in the notice.
- 9.5 The comments and recommendations received by the Licence Manager in response the notice in section 9.4 together with any additional information that the Licence Manager considers necessary shall be submitted to the Community and Protective Services Committee.
- 9.6 Before an amendment to Schedules XXXX is passed, the Community and Protective Services Committee shall hold at least one meeting that is open to the public for the purpose of affording an opportunity to the requester and any other person who attends the meeting to make submissions in respect of the request.
- 9.7 The Community and Protective Services Committee shall recommend to the Council whether or not to make an amendment to Schedules XXXXX. City Council shall make the final decision whether or not to amend Schedules XXX.