

**SCHEDULE “X”  
ADULT ENTERTAINMENT BODY-RUB PARLOUR**

**1.0 Definitions**

1.1 In this Schedule:

“**Adult Entertainment Body-Rub Parlour**” means any premises or part thereof in which, in pursuance of a trade, calling, business or occupation, a Body-Rub is Provided, offered or solicited;

“**Attendant**” means a person who Provides, performs or offers a Body-Rub;

“**Body-Rub**” includes the kneading, manipulating, rubbing, massaging, or touching by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;

“**Operator**” means a person who, alone or with others, operates, manages, supervises, runs or controls an Adult Entertainment Body-Rub 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 Entertainment Body-Rub Parlour and includes a lessee of an Adult Entertainment Body-Rub Parlour or of premises in which an Adult Entertainment Body-Rub Parlour is located;

“**Owner/Operator**” means an individual person who owns and operates his or her own Adult Entertainment Body-Rub 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 Entertainment Body-Rub Parlour, includes to furnish, perform or give such services, and “providing” and “provision” have corresponding meanings;

## **2.0 Licence Categories:**

2.1 The following categories of Adult Entertainment Body-Rub Parlour licences are hereby established:

- (a) Adult Entertainment Body-Rub Parlour Operator; and
- (b) Adult Entertainment Body-Rub Parlour Owner.

2.2 Every Owner/Operator of an Adult Entertainment Body-Rub 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 Entertainment Body-Rub Parlour.

2.4 Where a person owns more than one Adult Entertainment Body-Rub Parlour, a separate Owner licence is required for each Adult Entertainment Body-Rub Parlour. Every Owner licence for an Adult Entertainment Body-Rub 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 Entertainment Body-Rub Parlour, a separate Operator licence is not required for each location operated by them.

## **3.0 Limitation on Locations for Adult Entertainment Body-Rub Parlours**

3.1 No person shall own or operate an Adult Entertainment Body-Rub Parlour except in the defined area or location designated on Schedule "XX".

3.2 Not more than one Adult Entertainment Body-Rub Parlour licence shall be issued for any separate area or location identified on Schedule "XX".

## **4.0 Limitation on the Number of Licences**

4.1 Subject to section 4.2 the total number of Adult Entertainment Body-Rub Parlour Owner licences authorized under this By-law is limited to six (6) and not more than one (1) licence shall be issued with respect to each defined area or location designated in Schedule "XX".

4.2 The total number of Adult Entertainment Body-Rub Parlour Owner licences shall be reduced as licences expire without renewal or as the Owner licences are otherwise surrendered or revoked until there are five (5) Adult Entertainment Body-Rub Parlour Owner licences.

4.3 Where the total number of Adult Entertainment Body-Rub Parlour Owner licences falls below the number five (5) by reason of the surrender or revocation of a licence, a licence may be issued to the first Applicant who makes application after the surrender or revocation and whose application complies with the By-law.

4.4 No person shall hold all of the Adult Entertainment Body-Rub 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 Entertainment Body-Rub 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 Entertainment Body-Rub Parlour is to be operated;
- (g) the street address at which the Adult Entertainment Body-Rub 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; and
- (i) in the case of an Owner licence, a floor plan, drawn to scale, of the Adult Entertainment Body-Rub Parlour, confirmed by inspection by the Manager of Municipal Law Enforcement and approved by the Licence Manager, that clearly shows that the Adult Entertainment Body-Rub Parlour, including any common areas, is not more than 225m<sup>2</sup> in size.

## **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 operational standards for Adult Entertainment Body-Rub Parlours and holders of Adult Entertainment Body-Rub Parlour licences;
- (b) prescribing hours of operation for Adult Entertainment Body-Rub Parlours;
- (c) prescribing signage and advertising standards for Adult Entertainment Body-Rub Parlours required under subsection 8.1(e) of this Schedule including without limitation to, manner, form, size, media and content; and
- (d) prescribing the manner, form and content of records to be kept by an Adult Entertainment Body-Rub Parlour Owners under subsection 8.1(f) of this Schedule.

## **7.0 Prohibitions**

7.1 No person shall own or operate an Adult Entertainment Body-Rub Parlour without a current valid licence issued under the provisions of this By-law.

7.2 No Owner shall permit any person other than a licensed Operator to operate their Adult Entertainment Body-Rub Parlour.

7.3 No person shall operate an Adult Entertainment Body-Rub Parlour for which the Owner thereof is not licensed under this By-law.

7.4 No Owner or Operator of and Adult Entertainment Body-Rub Parlour shall permit or allow any person under the age of eighteen (18) to enter or remain in any Adult Entertainment Body-Rub Parlour owned or operated by them.

7.5 No Owner or Operator of an Adult Entertainment Body-Rub Parlour shall permit or allow any person under the age of eighteen (18) to Provide or offer to Provide a Body-Rub in their Adult Entertainment Body-Rub Parlour.

## **8.0 Regulations**

8.1 Every Owner of an Adult Entertainment Body-Rub Parlour shall:

(a) ensure that at all times when the premises are open for business as an Adult Entertainment Body-Rub Parlour or when a Body-Rub 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 Entertainment Body-Rub 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 any such premises or part thereof;

(c) comply with all of the operational standards for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;

(d) comply with the hours of operation for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;

(e) shall comply with all of the signage and advertising standards for Adult Entertainment Body-Rub Parlours prescribed by the Licence Manager;

(f) shall maintain a record of all Attendants for their Adult Entertainment Body-Rub Parlour as prescribed by the Licence Manager.

8.2 Every Owner and Operator of an Adult Entertainment Body-Rub Parlour shall ensure that:

- (a) no services are visible from outside the premises in which the Adult Entertainment Body-Rub Parlour is located;
- (b) their Adult Entertainment Body-Rub Parlour, including any common areas, is not more than 225m<sup>2</sup> in size; and
- (c) no changes to the floor plan required under subsection 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 Entertainment Body-Rub Parlour must conform to the following criteria:

- (a) An Adult Entertainment Body-Rub 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 Entertainment Body-Rub 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 Entertainment Body-Rub 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 Entertainment Body-Rub 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 Entertainment Body-Rub 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.