

TOWN OF MARKHAM **ONTARIO**



BY-LAW 2002-286

A BY-LAW RESPECTING THE LICENSING, REGULATING AND INSPECTING OF ADULT ENTERTAINMENT PARLOURS FOR THE PROVISION OF GOODS

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

As amended by the following By-laws:
By-law 2007-282 – December 11, 2007



2002-286

respecting the licensing, regulating and
inspecting of Adult Entertainment Parlours
for the provision of goods

WHEREAS Section 150 of the *Municipal Act, 2001* authorizes Council to pass by-laws for licensing, regulating and governing local businesses;

AND WHEREAS Section 150 of the Act authorizes Council to pass by-laws for the licensing, regulating, governing, classifying and inspecting of adult entertainment parlours of any classes thereof and for revoking or suspending any such licence and for limiting the number of licences to be granted;

AND WHEREAS the Town of Markham deems it advisable, having regard among other matters to the potential for public nuisance has enacted by-laws to govern that class of adult entertainment parlour which provides services and wishes herein to enact a by-law to govern that class of adult entertainment parlour which provides goods;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this By-law:
 - (a) **"adult entertainment parlour (goods)"** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods designed to appeal to erotic or sexual appetites or inclinations;
 - (b) **"adult videotape"** means any videotape, the container or contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaged in specified sexual activities as defined by this By-law, or by an emphasis on the display of specified human body areas. "Adult videotape": also includes, in the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as "restricted" and required to be characterized with the added information piece "adult sex film";

- (c) "**Class A Adult Entertainment Parlour (Goods)**" means an adult entertainment parlour (goods) in which the principal business is the provision of goods or in respect of which advertisements refer to "adult", "X-rated", "XXX" or similar description in reference to the goods provided in the premises;
- (d) "**Class B Adult Entertainment Parlour (Goods)**" means an adult entertainment parlour (goods) in which the portion of the floor area devoted to the display of goods to the public is less than 10% of the total area devoted to the display of all merchandise within the business premises;
(Amended by By-law No. 2006-108)
- (e) "**Council**" means the Council of The Corporation of the Town of Markham;
- (f) "**goods**" includes, but is not limited to, magazines, books, pictures, slides, films, videotapes or adult videotapes, phonograph records, pre-recorded magnetic tapes, compact discs, digital video discs, novelties, devices or tools, the container or contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction, or display of contents, of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities or by an emphasis on the display of specified human body areas;
(Amended by By-law No. 2006-108)
- (g) "**licence**" means a licence issued under this By-law authorizing a person to carry on the trade, calling, business or occupation specified therein;
- (h) "**Licensing Officer**" means a person appointed by the Town to issue licences;
- (i) "**operator**" includes a person who, alone or with others, owns, operates or controls the trade, calling, business or occupation carried on at an adult entertainment parlour (goods) and includes a person who is the tenant or licensee in respect of premises which are utilized as an adult entertainment parlour (goods);
- (j) "**person**" includes a corporation and a partnership;
- (k) "**sign**" includes any sign as defined pursuant to Town By-law No. 2002-94 (as amended or successor legislation thereto);
- (l) "**specified human body areas**" means the genitals and the anus;

- (m) "**specified sexual activities**" means any of the following: actual or simulated sexual intercourse, ejaculation, sodomy, including anal intercourse, oral sexual intercourse or direct physical stimulation of unclothed genital organs;
- (n) "**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. When used in the context of adult videotapes, "to provide" also includes to rent, license, lease, exchange or trade such goods, and to offer to do any of same, whether or not consideration is effected by cost of membership, subscription or price of admittance, or any other basis;
- (o) "**Town**" means The Corporation of the Town of Markham; and
- (p) "**videotape**" means cinematographic film, videotape, video disc, computer diskette, or any other medium capable of producing visual images that may be viewed as moving pictures.

GENERAL REGULATIONS

2.

- (1) No person may carry on business as an operator of a Class "A" Adult Entertainment Parlour (Goods) without application for, obtaining and maintaining in good standing, pursuant to the terms of this By-law, an Adult Entertainment Parlour (Goods) licence.
- (1) No person may carry on business as an operator of a Class "B" Adult Entertainment Parlour (Goods) in contravention of any of the Regulations respecting Class "B" Adult Entertainment Parlours (Goods) in this By-law.

REGULATIONS RESPECTING CLASS B ADULT ENTERTAINMENT PARLOURS (GOODS)

General Regulations Applicable to all Class "B" Parlours

3. Every person operating a Class B Adult Entertainment Parlour (Goods) shall comply with the following regulations:
- (1) No operator may provide or permit the provision of goods to any person who is under the age of eighteen years;

- (2) No operator may advertise or promote the sale of goods except in accordance with the provisions of this By-law respecting "signs and advertisements";
- (3) No operator may permit any employee to provide goods without instructing such employee in the regulations of this By-law and ensuring that such employee complies with these regulations in the provision of such goods;
- (4) No operator may permit the provision of any services designed to appeal to erotic or sexual appetites or inclinations in an Adult Entertainment Parlour (Goods);
- (5) Where goods in the form of printed, photographic or pictorial matters are provided, such goods shall be located in a manner which renders such materials inaccessible and not readily visible to persons under the age of 18 years.

Additional Regulations Applicable to Class "B" Parlours that Provide Adult Videotapes

4. No person may operate a Class B Adult Entertainment Parlour (Goods) that provides adult videotapes except in accordance with the following additional regulations:
 - (1) No adult videotape containers or related advertising or promotional material may be displayed, except in a designated area of such Adult Entertainment Parlour (Goods) that is separated from the balance of the public area by a solid partition extending from the floor to a height not less than 1.8 metres from the floor and provided that access to the designated area shall be through a door having a height not less than 1.5 metres and provided that no such advertising or promotional material can be seen by persons in the store without entering the designated area.
 - (2) No operator may provide adult videotapes, unless such adult videotapes are stored behind the main counter, which is staffed by an employee, or contained within automated vending or dispensing equipment in such a manner as to display only the title to the adult videotape.
 - (3) No operator may provide adult videotapes, without maintaining a current listing of all adult videotapes available on the premises and making that listing available to the Licensing Officer upon request.
 - (4) No operator may play any adult videotape anywhere within such an Adult Entertainment Parlour (Goods).
 - (5) No operator may provide any adult videotape without posting in a prominent location satisfactory to the Licensing Officer, a valid film exchange licence issued pursuant to the *Theatres Act*.

- (6) No operator may provide any adult videotape unless such adult videotape is clearly marked with a classification sticker issued pursuant to the *Theatres Act*.
- (7) No operator may advertise any adult videotape except in accordance with the provisions of this By-law respecting "signs and advertisements".

REGULATIONS RESPECTING CLASS A Adult Entertainment Parlour (Goods)

5. No person may operate a Class A Adult Entertainment Parlour (Goods) except in accordance with the following regulations:
 - (1) No operator may permit the provision of any services designed to appeal to erotic or sexual appetites except in accordance with the provisions of the by-law of the Town of Markham respecting the licensing and governing of adult entertainment parlours.
 - (2) No operator may provide any goods to any person under the age of eighteen years and no person under the age of eighteen years may be allowed to enter or remain in any part of the premises.
 - (3) No operator may provide any goods unless there is posted in a prominent location at the entrance to the premises a sign indicating that no person under the age of eighteen years may enter or remain in such premises.
 - (4) No operator may permit any employee to provide goods unless such person is at least 18 years of age and such person has been instructed with regard to the regulation in this By-law and complies with such regulations.
 - (5) With the exception of patent medicines and prescription drugs required for medicinal purposes, no person may take, consume or have alcohol or drugs in their possession in an Adult Entertainment Parlour (Goods).
 - (6) No operator may permit any person who appears to be intoxicated by alcohol or a drug to enter or remain on the premises.
 - (7) No operator may advertise an Adult Entertainment Parlour (Goods) or promote the provision of goods at an Adult Entertainment Parlour (Goods) except in accordance with the provisions of this By-law respecting "signs and advertisements".
 - (8) No operator may provide any goods at an Adult Entertainment Parlour (Goods) except in compliance with the provision of this By-law respecting "hours of operation".
 - (9) No operator may provide any goods at an Adult Entertainment Parlour (Goods)

except in compliance with the provisions of this By-law respecting "location restrictions and limitations on number".

- (10) No operator may provide any goods at an Adult Entertainment Parlour (Goods) except in compliance with the provisions of this By-law respecting "design of premises".
- (11) Every operator shall keep his, her or its licence certificate issued in respect of the Adult Entertainment Parlour (Goods) posted in a conspicuous place in the said premises in a manner satisfactory to the Licensing Officer, at all times during the currency of the licence.
- (12) No operator may provide any adult videotape without posting in a prominent location, that is satisfactory to the licensing officer, a valid film exchange licence issued pursuant to the *Theatres Act*.
- (13) No operator may provide any adult videotape unless such adult videotape is clearly marked with a classification sticker issued pursuant to the *Theatres Act*.
- (14) No operator may provide adult videotapes without maintaining a current listing of all adult videotapes available on the premises and making that listing available to the Licensing Officer upon request.
- (15) No person may play any adult videotape or provide a viewing area for adult videotape anywhere within an Adult Entertainment Parlour (Goods).

SIGNS AND ADVERTISEMENTS

6. No person may erect or maintain any sign advertising a Class "A" Adult Entertainment Parlour (Goods) or the goods provided from such premises except in accordance with Town Sign By-law No. 2002-94 (as amended). Despite the provisions of Town Sign By-law No. 2002-94 (as amended), no person may erect or maintain any sign advertising a Class "A" Adult Entertainment Parlour (Goods) or advertising "goods" within the meaning of this By-law except in accordance with the following additional regulations:
 - (1) No person may circulate, post, distribute or cause to be circulated, posted or distributed any pamphlet, poster, flyer or handbill advertising a Class "A" Adult Entertainment Parlour (Goods) or advertising "goods" within the meaning of this By-law.
 - (2) Nothing in this By-law shall be deemed to prohibit any person from erecting or maintaining any sign on any interior wall of a Class "A" Adult Entertainment Parlour (Goods), provided the content of such sign is not visible from the exterior of the Adult Entertainment Parlour (Goods).

- (3) No person may advertise a Class “A” Adult Entertainment Parlour (Goods) or advertise “goods” within the meaning of this By-law by means of the depiction of specified human body areas.
- (4) No person may erect or maintain any sign in respect of an Adult Entertainment Parlour (Goods) portraying nudity or sexually suggestive poses or any content designed to appeal to sexual or erotic appetites or inclinations.

DESIGN OF PREMISES

7. No person may operate a Class A Adult Entertainment Parlour (Goods) except in accordance with the following regulations:
 - (1) Every operator shall provide the Licensing Officer with a floor plan designating the boundaries of all floor-space which shall be used to provide goods and no person may provide goods from any other room, cubicle, enclosure, partitioned area or space within the Adult Entertainment Parlour (Goods). An operator who wishes to amend the floor plan shall first file with the Licensing Officer a copy of the amended floor plan and shall not proceed to make any alterations for such purpose without first obtaining the approval of the Licensing Officer.
 - (2) Save and except for one room designated by the operator for use as an office and one room designated by the operator as a storage room, every operator shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in any Adult Entertainment Parlour (Goods) is 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 area.
 - (3) During the hours of operation of an Adult Entertainment Parlour (Goods) and at all times when goods are provided therein, the operator shall ensure that the principal means of access into the Adult Entertainment Parlour (Goods) shall be kept unlocked and available so that anyone entering the Adult Entertainment Parlour (Goods) may do so without hindrance or delay.
 - (4) The floor-space on which goods may be provided shall have no area enclosed or partitioned by any wall extending from the floor to a height in excess of 1.8 metres from the floor. Any such room or space shall be open at all times to all persons attending the Adult Entertainment Parlour (Goods) during its business hours.
 - (5) All goods shall be displayed so as not to be visible from the exterior of the premises.

(Amended by By-law No. 2006-108)

HOURS OF OPERATION

8. An operator of a Class "A" Adult Entertainment Parlour (Goods) shall not permit any goods to be provided therein except between the hours of 9:00 a.m. in the morning of any day and 1:00 a.m. in the morning of the next day.

LOCATIONAL RESTRICTIONS AND LIMITATIONS ON NUMBER

9.
 - (1) No person may operate a Class "A" Adult Entertainment Parlour (Goods):
 - (a) within 120 metres of any lands zoned to permit residential uses by the relevant zoning by-law at such time as the application for licence is submitted to the Town;
 - (b) within 120 metres of any school, place of worship or child day care centre in existence when the application for licence is submitted to the Town; and
 - (c) within 120 metres of any other adult entertainment parlour (goods), body-rub parlour or adult entertainment parlour (services) in existence at the time when the application is submitted to the Town, regardless of whether such other businesses are licensed or not.
 - (2) An existing licensed Adult Entertainment Parlour (Goods) is not disqualified from the renewal of a licence if one of the listed land uses locates within the separation distance.
 - (3) No licence shall be issued under this by-law in respect of any premises or place where the operation or carrying on of the business of an Adult Entertainment Parlour (Goods) is prohibited by this or any other law.
 - (4) The number of adult entertainment parlours (goods) which may be licensed in the Town of Markham shall be limited to five.
 - (5) No person may operate an Adult Entertainment Parlour (Goods) from any area except those areas described on Schedule "A" hereto.
 - (6) The Town shall review this section and Schedule "A" within 5 years from the enactment of this By-law, and every five years thereafter, for the purpose of ensuring that these provisions continue to achieve the objects of the By-law. An

element of that review shall include consideration of the increase of population in the Town in relation to the maximum number of permitted licences.

NATURE OF LICENCE

10. No person shall enjoy a vested right in the continuance of a licence and the value of every licence shall be the property of the Town and shall remain so irrespective of the issuance, renewal or revocation thereof.
11. No person licensed to carry on any trade, calling, business or occupation pursuant to this By-law shall advertise or promote or carry on such trade, calling, business or occupation under any name other than the name endorsed upon the licence.
12. The licences required by this By-law shall, unless they are expressed to be for a shorter or longer time, be for the period up to and including the 31st day of December in the year of issuance, unless they are sooner forfeited or revoked.
13. No license shall be transferred or assigned and if an operator sells, leases or otherwise disposes of his interest in the trade, calling business or occupation carried on at an Adult Entertainment Parlour (Goods), his licence in respect of such Adult Entertainment Parlour (Goods) or premises shall, notwithstanding any other provision of this By-law, terminate.
14. Every Adult Entertainment Parlour (Goods) licence shall have endorsed thereon the location of the Adult Entertainment Parlour (Goods); such endorsement shall be for one location only and such licence shall be valid only for that location.

APPLICATION, RENEWAL AND REVOCATION OF LICENCE

15. Every applicant for a licence other than a renewal of licence shall appear in person before a Licensing Officer and shall complete such licence application forms as may be provided by the Licensing Officer and shall provide all information requested thereon. In the case of an Adult Entertainment Parlour (Goods) 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 (Goods) operated by a corporation, such appearance shall be made by an officer of the corporation and not by an agent thereof.
16. Every applicant for a licence, where such applicant is a natural individual, shall provide two passport size photographs, which must be taken within thirty days of the licence application. Where the applicant is a corporation, such photograph shall be of an officer of the corporation. Where the applicant is a partnership, such photograph shall be of one of the partners.
17. At the time of submission of the application, every applicant shall pay to the Town the

fee set forth in By-law No.2002-284 provided such fee shall not be reduced in the event that the period for which the licence is granted is less than one year. Fifty percent of such fee is refundable in the event that an application is not accepted for licensing.

18. Receipt of the application or the licence fee by the Town shall not represent approval of the application for the issuance of a licence nor shall it obligate the Town to issue such licence.
19. Without limiting the generality of any other provision in this By-law, persons associated in a partnership applying for a licence under this By-law shall file with their application a statutory declaration, signed by all members of the partnership, which declaration shall state:
 - (a) the full name of every partner and the address of his or her ordinary residence;
 - (b) the name or names under which they carry on or intend to carry on or intend to carry on business;
 - (c) that the persons therein named are the only members of the partnership; and
 - (d) the mailing address for the partnership.
20. If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an operator's licence in place and stead of the partnership.
21. Without limiting the generality of any other provision in this By-law, every corporation applying for a licence 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 a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:
 - (a) the full name of every shareholder and the address of his or her ordinary residence;
 - (b) the name or names under which it carries on or intends to carry on business;
 - (c) that the person therein named are the only shareholders of the corporation; and
 - (d) the mailing address for the corporation.
22. Every person applying for an Adult Entertainment Parlour (Goods) licence shall file with the Licensing Officer, documentation satisfactory to the Licensing Officer demonstrating the applicant's right to possess or occupy the premises and if any applicant is not the registered owner of the property upon which the Adult Entertainment Parlour (Goods) is to be located, such person shall file with the Licensing Officer a copy of the lease, if any,

and a copy of any other document constituting or affecting the legal relationship relating to the said lands or premises between said applicant and the registered owner or owner in fee simple of the said real property.

23. The Licensing Officer shall:
- (a) receive and process all applications for licences and renewal of licences to be issued under this By-law;
 - (b) co-ordinate the enforcement of this By-law;
 - (c) generally perform all the administrative functions conferred upon him or her by this By-law;
 - (d) make or cause to be made a circulation respecting each application, which shall include circulation of the licence application to the Ontario Film Review Board, in circumstances where the applicant can not provide a valid licence pursuant to the *Theatres Act*, and circulation to municipal and provincial police services, for comments.
 - (e) make or cause to be made all investigations and inspections which he or she deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
 - (f) issue licences to persons who meet the requirements of this By-law and suspend licences pursuant to the provisions of this By-law; and
 - (g) where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law.
24. Despite the foregoing section, upon review of a licence application, including an application for renewal, the Licensing Officer shall prepare a report and seek Council's direction with respect to the issuance or renewal of a licence where:
- (a) the past or current conduct of the applicant or licence holder affords reasonable grounds for belief that person is not carrying or will not carry on the trade, calling, business or occupation in respect of the Adult Entertainment Parlour (Goods) 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 in respect of the Adult Entertainment Parlour (Goods) by the applicant or licence holder has resulted or will result in a breach of this By-law or any other applicable law; or
 - (c) the applicant or licence holder is a corporation or a partnership and its conduct or

the conduct of its officers, directors, employees, agents or partners affords reasonable grounds for the belief that its trade, calling, business or occupation in respect of the Adult Entertainment Parlour (Goods) has or will not be carried on in accordance with the law and with integrity and honesty; or

- (d) there are reasonable grounds for belief that the premises, accommodations, equipment or facilities in respect of which the licence is required do not comply with the provisions of this By-law or any other applicable law; or
 - (e) the conduct of the applicant or licence holder or other related circumstances afford reasonable grounds for the belief that the carrying on by the applicant of the trade, calling, business or occupation in respect of the premises for which the licence is sought would infringe the rights, or endanger the health or safety, of other members of the public.
25. When an application for a licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law or where the Licensing Officer has been so authorized by Council in response to a Report in this regard, the Licensing Officer shall issue a licence certificate which shall set out the expiry date of the licence in accordance with this By-law and the applicant shall thereby be licensed, until such date, subject to any prior revocation, suspension or other termination of such licence.
26. The Licensing Officer may suspend a licence for any of the grounds set out in section 24. Such suspension shall take effect upon service of written notice thereof to the licensee and the licence shall remain suspended for no more than fifteen days from the date of service of this notice. In order to continue this suspension beyond the fifteen day period or to revoke the licence, the Licensing Officer must prepare a report and receive Council's direction in this regard. Where any licence is suspended, it shall not be reinstated until the Licensing Officer is able to confirm that the conditions leading to the suspension have been remedied.
27. The Council may revoke, suspend or refuse to renew a licence, or impose lawful conditions upon a licence, upon any of the grounds set out in section 24.
28. Any licence that has not been renewed as at December 31st in the year of its issuance or renewal shall expire on January 1st in the year following its issuance or renewal.
29. At any meeting of Council or of a Council Committee called in relation to a report to consider the issuance, renewal, suspension or revocation of a licence, or the placing of conditions upon a licence:
- (a) the applicant shall be accorded its rights pursuant to the applicable provisions of the *Statutory Powers Procedures Act*;
 - (b) where the applicant has been provided with notice of the meeting and does not

attend, Council may proceed with the meeting in the absence of the applicant; and

- (c) where Council concludes that grounds exist upon which a licence may be refused, suspended or revoked, Council may in lieu thereof issue a licence for any period up to a full licence period, on probation, or without a term of probation, subject to such conditions as Council may impose and are in accordance with law.

CHANGE OF STATUS

- 30. Where there is any change in any 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 licence under this By-law, such person shall report the change to the Licensing Officer within seven days of the change.
- 31. Where there is to be a change in the composition or the controlling interest of a partnership licensed under this By-law, the persons licensed hereunder in partnership shall obtain the approval of the Licensing Officer to such change prior thereto. Where there has been any change in the controlling interest of the partnership, either by one transaction or a number thereof, the licence may be revoked despite the Licensing Officer's prior approval of any one or more such transactions.
- 32. Where there is to be a change in the composition or the controlling interest of the shareholders of a corporation licensed under this by-law, the corporation shall obtain the approval of the Licensing Officer to such change prior thereto, failing which the licence may be revoked. Where there has been any change in the controlling interest of the corporation, either by one transaction or a number thereof, the licence may be revoked, despite the Licensing Officer's prior approval of any one or more such transactions.

OFFENCE, PENALTY AND ENFORCEMENT

- 33. Any person who contravenes the provisions of this By-law, any person who fails to perform a duty imposed herein or who performs an act prohibited herein, and every director or officer of a corporation, or partner of a partnership, who concurs in such a contravention, is guilty of an offence and, upon conviction pursuant to the provisions of the *Provincial Offences Act* (as amended), is liable to:
 - (a) a penalty in the case of persons, other than a corporation, not to exceed \$25,000.00 or imprisonment for a term not to exceed one year or both;
 - (b) a penalty in the case of a corporation, not to exceed \$50,000.00; and
 - (c) an order closing the premises which are the subject of the contravention, for a period not to exceed two years.

34. The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.
35. Every person shall comply with the provisions of this By-law applicable to such person whether or not such person is licensed under this By-law.
36. Every operator shall during the operating hours of the Adult Entertainment Parlour (Goods) and at all times when goods are provided therein 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.
37. Every operator of an Adult Entertainment Parlour (Goods) shall, at all times during operating hours of the Adult Entertainment Parlour (Goods) and at all times when goods are provided therein, permit the entry therein by and the inspection of the Adult Entertainment Parlour (Goods) by a By-law Enforcement Officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a peace officer.
38. No person may obstruct or hinder the entry or the inspection of an Adult Entertainment Parlour (Goods) by a By-law Enforcement Officer, a Provincial Offences Officer, the Licensing Officer, a Medical Officer of Health or a Peace Officer.

MISCELLANEOUS

39. The provisions of this By-law shall apply to all lands and premises within the Town of Markham.
40. Should any section of this By-law be declared invalid by a court of competent jurisdiction, it is the intent of the Council that such section shall be severed herefrom and the remainder of the By-law shall continue in full force and effect.
41. All Schedules referred to in this By-law and attached to this By-law are deemed to be part of the By-law.
42. Wherever notice or materials are required to be served upon or provided to any person pursuant to this By-law, such service or provision shall be deemed effective five days following the mailing of such materials by registered mail to the last address of that person as indicated upon licensing or other material filed with the Town or to the last assessed business address for the person indicated upon the Taxation Roll Records.
43. The short title of this By-law shall be the Adult Entertainment Parlour (Goods) By-law.
44. (1) Town of Markham By-law No. 73-98 is hereby repealed in its entirety.

- (2) It is the intent of the Council that there shall be continuity in the licensing and regulatory requirements affecting Adult Entertainment Parlours (Goods) and that licences issued pursuant to By-law No. 73-98 shall continue to be valid and subsisting, in the absence of grounds for refusal to renew, suspension, revocation, imposing conditions or other basis for termination in accordance with the by-law applicable at the time, until such time as this By-law becomes effective.
 - (3) The provisions of this By-law shall be deemed to be substituted by re-enactment, amendment and revision, for the relevant provisions of repealed by-law No. 73-98.
45. By-law No. 2001-62, "A By-law respecting the licensing, regulating and inspecting of Adult Entertainment Parlours for the provision of Goods" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR

SCHEDULE "A"

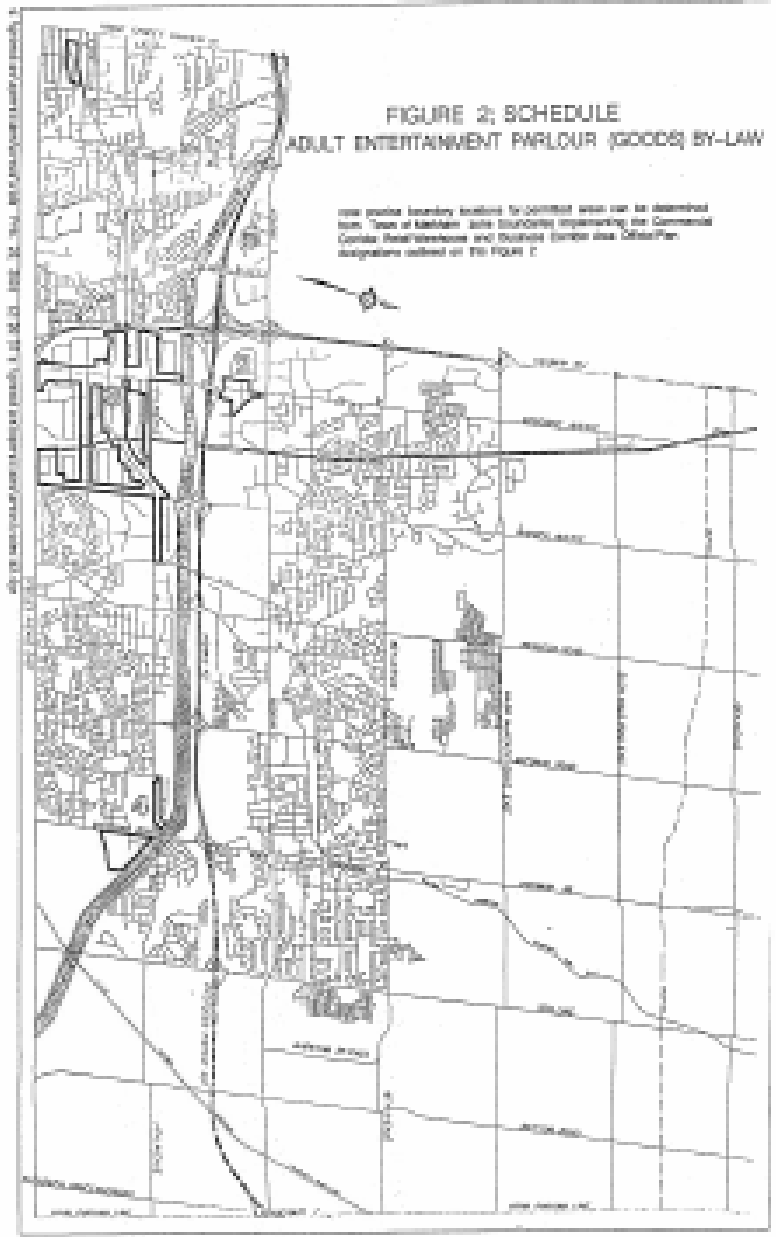
TO BY-LAW NO. 2002-286

Schedule "A" amended in its entirety by By-law No. 2006-108)

1. The premises at each of the following municipal addresses shall be permitted to operate, subject to all applicable law, as a Class "A" Adult Entertainment Parlour (Goods) as long as the premises are in lawful, actual, continual, uninterrupted and licensed use as a Class "A" Adult Entertainment Parlour (Goods) from May 9, 2006:
 - (a) the premises at 5261 Highway No. 7 operating as Adult Time Video; and
2. Should premise(s) referred to in Section 1 cease to be used for the purpose of a Class "A" Adult Entertainment Parlour (Goods), any license issued under this By-law shall be revoked and no renewal or further license shall be issued for those premises.
3.
 - (a) Figure 2 is and shall form part of Schedule "A";
 - (b) Each of Area 1, 2 and 4 on Figure 2 are hereby designated as an area in which, subject to the provisions of this By-law, one licence for a Class "A" Adult Entertainment Parlour (Goods) may be issued.
 - (c) Area 3 on Figure 2 is hereby designated as an area in which, subject to the provisions of this By-law, more than one licence for a Class "A" Adult Entertainment Parlour (Goods) may be issued.

FIGURE 2; SCHEDULE
ADULT ENTERTAINMENT PARLOUR (GOODS) BY-LAW

Use zones boundary lines for control area can be derived from Town of Malton, and Schedule implementing the Commercial Centre Redevelopment and Strategic Centre Area Official Plan. Adaptation based on the FIGURE 1.



Map of Malton, Ontario, Canada, showing the schedule for Adult Entertainment Parlour (Goods) by-law. Adaptation based on the FIGURE 1.

FIGURE 2(a) SCHEDULE
ADULT ENTERTAINMENT PARLOUR (GOOOS) BY-LAW

AREA 1

SCALE = 1:5000



1:5000

FIGURE 2(d) SCHEDULE
ADULT ENTERTAINMENT PARLOUR (GOODS) BY-LAW

AREA 4

SCALE 1:6,724

