

# ***TOWN OF MARKHAM***

*Ontario*



## **BY-LAW 2002-287**

### **ADULT ENTERTAINMENT PARLOUR(SERVICES) BY-LAW**

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)

Amended by:

By-law 2007-282 – December 11, 2007

## **BY-LAW 2002-287**

Being a by-law to licence and regulate  
adult entertainment parlours within  
the Town of Markham

WHEREAS Section 150 of the *Municipal Act, 2001* provides that By-Laws may be passed by municipalities for licencing, regulating, governing, classifying and inspecting adult entertainment parlours or any class or classes thereof and for revoking or suspending any such licence and for limiting the number of such licences to be granted;

AND WHEREAS the Town of Markham deems it advisable, having regard among other matters to the health and safety of those within its jurisdiction and to the potential for public nuisance has enacted by-laws to licence and regulate adult entertainment parlours within the Town of Markham;

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

### **Chapter One 1. Definitions**

#### **In this By-Law,**

- (a) "Adult Entertainment Parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing or designed to appeal to erotic or sexual appetites or inclinations;
- (b) "To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- (c) "Services" includes activities, facilities, performances, exhibitions, viewings and encounters;
- (d) "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
  - (i) services of which a principle feature or characteristic is the nudity or partial nudity of any person;

- (ii) services in respect of which “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.
- (e) When used in reference to an adult entertainment parlour,
  - (i) "attendant" means any person other than a licenced owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour.
  - (ii) "owner" means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located.
  - (iii) "operator" means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour.
- (f) “Defined areas” means those two areas of the Town which are shown as the shaded areas set out in Schedules “B” and “C” attached hereto;
- (g) "Council" means Council of The Corporation of the Town of Markham;
- (h) "Licence" means a licence issued pursuant to the provisions of this by-law;
- (i)
  - (i) "Owner" and "Operator" mean respectively any owner or operator of an adult entertainment parlour licenced as such or required to be licenced as such under this By-law;
  - (ii) "Attendant" means a person licenced or required to be licenced under this By-law;
- (j) "Licenced premises" means an adult entertainment parlour which is referred to in a Licence;
- (k) "Licencing Officer" means a person appointed by the Council to issue licences.

## **Chapter Two 2. Application for Licence**

- (a) On every application by an individual person for an owner's, operator's or attendant's licence or for the renewal thereof, the applicant shall attend in person and not by an agent before the Licencing Officer and shall complete the prescribed forms and shall furnish to the Licencing Officer such information as the Licencing Officer may direct.
- (b) In the case of an adult entertainment parlour owned or operated by a partnership, the attendance required under subsection (a) of this section shall be by one of the partners and in the case of an adult entertainment parlour owned or operated by a corporation such attendance shall be by an officer of the corporation.
- (c) Every applicant for an attendant's licence, and every individual person applying for an owner's licence or operator's licence shall submit with his application two passport-size photographs of his face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licencing Officer and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Licencing Officer.
- (d) Every applicant for an owner's licence shall, at the time of making his application, file with the Licencing Officer a list showing the names of all operators and attendants providing services in his adult entertainment parlour and all such persons intended or expected by him to be employed or to provide services in his adult entertainment parlour and shall thereafter maintain a list showing at all times the names of all operators and attendants providing services in his adult entertainment parlour and such owner shall, upon a request made to him by any peace officer or by-law enforcement officer produce the list, brought up to date as of the time of the request, to such officer.
- (e) On every application for an owner's, operator's or attendant's licence by an individual or by a corporation, the applicant shall state:
  - (i) if the applicant is an individual, his date of birth,
  - (ii) if the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any corporations referred to in section 4 of this By-law.

## **Chapter Three 3. Corporate Information**

- (a) Every corporation applying for an owner's or operator's licence shall file with the Licencing Officer at the time of its application a copy of its articles of incorporation or other incorporating document, duly certified by the proper government official or department, together with a Return in a form supplied by the Licencing Officer, which Return shall contain a list of all the shareholders of the corporation.
- (b) Where the shares in a corporation applying for an owner's or operator's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Licencing Officer a Return in a form supplied by the Licencing Officer, which Return shall contain a list of all of its shareholders, and if such Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation then the said applicant shall also file such a Return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
- (c) All Returns required by subsection (b) of this section shall be filed with the Licencing Officer at the same time as the filing of the application for the licence.
- (d) Every owner or operator which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Licencing Officer an Annual Return on a form supplied by the Licencing Officer.
- (e) Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the Licencing Officer in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in subsection (b), and the Licencing Officer may, in its discretion, determine whether the licence or licences shall be revoked.
- (f) Where, by a transfer of existing shares or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is determined by the Licencing Officer to have changed hands, such licence or licences shall be terminated forthwith and the Licencing Officer may issue a new licence or new licences upon payment of the prescribed fee. The Licencing Officer may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.

- (g) Where the shares of a corporate owner or operator are held in whole or in part by another corporation, such owner or operator shall file with the Licencing Officer at the same time as the owner or operator an Annual Return as provided in subsection (d) of this section and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner or operator shall likewise file such an Annual Return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner or operator.

## **Chapter Four**

### **4. Partnerships**

- (a) Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Licencing Officer a declaration in writing signed by all members of the partnership, which declaration shall state:
  - (i) the full name of every partner and the address of his ordinary residence;
  - (ii) the name or names under which they carry on or intend to carry on business;
  - (iii) that the persons therein named are the only members of the partnership; and
  - (iv) the mailing address for the partnership.
- (b) If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of section 4 of this By-law be deemed to be a corporation applying for an owner's or operator's licence and if such licence is issued to the partnership such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.
- (c) It shall be the duty of every member of a partnership to advise the Licencing Officer immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Licencing Officer, and the Licencing Officer may, in his discretion, determine whether or not a new licence should issue to the partnership as presently constituted.

**Chapter Five 5. Name of Business**

- (a) Every person applying for an owner's, operator's or attendant's licence who carries on or intends to carry on his business in or relating to an adult entertainment parlour under a name or designation other than his own name or under his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm, shall, at the time of the making of his application, file with the Licencing officer a declaration, which declaration shall state:
  - (i) his full name and the address of his ordinary residence;
  - (ii) any name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him;
  - (iii) that no other person is associated with him in partnership;
  - (iv) the mailing address for his business.
- (b) A person to whom this section relates shall notify the Licencing officer immediately of any change in any of the particulars required to be filed with the Licencing Office under subsection (a) of this section.

**Chapter Six 6. Name of Business**

- (a) Every owner, operator or attendant applying for a licence must use his own legal name in making such application and subject to subsection (b) of this section no such licence shall be issued to any person in any name other than his own legal name.
- (b) Every owner, operator or attendant intending to use some name or designation other than his own may, at the time of the issue of his licence, or at the time at which he files with the Licencing Officer notice of intention to use such name or designation, have endorsed on his licence such name or designation.
- (c) No owner, operator or attendant shall carry on business under any name or designation other than his own, unless he has filed with the Licencing Officer a notice of his intention to use such name or designation and no person shall use any name or designation in respect of an adult entertainment parlour or of any trade, calling, business or occupation carried on therein without first notifying the Licencing Officer of such name or designation intended to be used and having such name endorsed upon his licence in accordance with subsection (b) of this section.

**Chapter Seven            7.        Owner's Licence**

- (a) No adult entertainment parlour may open for business or operate or be operated unless its owner is licenced as such under this By-law.
- (b) Every person applying for an owner's licence shall file with the Licencing Officer documentation satisfactory to the Licencing Officer demonstrating the applicant's right to possess or occupy the premises 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 Licencing Officer at the same time a copy of his lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property. For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
- (c) A separate owner's licence shall be taken out in respect of each adult entertainment parlour.
- (d) Where an owner does not personally operate his adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he obtain a licence as owner of such adult entertainment parlour.
- (e) An owner or operator may, subject to the provisions of this By-law, if his licence as an owner or operator is so endorsed by the Licencing Officer, perform the services of an attendant in the adult entertainment parlour of which he is the owner or operator.
- (f) An owner who operates his own adult entertainment parlour shall notify the Licencing Officer of this fact at the time he obtains his licence and his licence may be endorsed accordingly upon payment of the appropriate fee, and he shall notify the Licencing Officer and have the said endorsement amended before engaging any operator to operate his adult entertainment parlour.

**Chapter Eight            8.        Operator's Licence**

- (a) No owner of an adult entertainment parlour or premises shall permit any person other than a licenced operator to operate such adult entertainment parlour.

- (b) No owner or operator shall permit the provision of services upon or at his adult entertainment parlour or pursuant to the operation by him of an adult entertainment parlour by any person other than a licenced attendant or other person licenced or authorized by or under this By-law so to do.
- (c) No owner shall permit any person, other than an employee of such owner or a person with whom the person has contracted, to operate his adult entertainment parlour or to provide services in his adult entertainment parlour.
- (d) No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour and the operator, if any, is duly licenced as owner or operator respectively under this By-law.
- (e) No operator not being the owner of an adult entertainment parlour shall operate the said adult entertainment parlour unless the owner of the said adult entertainment parlour is duly licenced as owner under this By-law.
- (f) No operator may operate an adult entertainment parlour unless he first notifies the Licencing Officer of the name of the owner whose adult entertainment parlour he intends to operate and has endorsed upon his licence the said owner's name accordingly, and every operator before operating any other adult entertainment parlour shall notify the Licencing Officer of his intention so to do and have his licence endorsed accordingly.

## **Chapter Nine            9.        Filing of Owner - Operator Agreement**

A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator or an adult entertainment parlour or between owner or operator and attendant providing services at an adult entertainment parlour, shall be filed with the Licencing Officer and the original of any such document shall be made available for inspection at any time by the Licencing Officer's by-law enforcement officers upon request, and shall be retained by the owner or operator for a period of six months after its termination.

## **Chapter Ten 10.      Change of Address**

Every owner, operator or attendant who changes his address shall, within two days after such change, attend before the Licencing Officer and notify the

Licensing Officer of such change of address and produce his licence for the change to be entered thereon.

**Chapter Eleven      11.      Sale of Adult Entertainment Parlour**

- (a) No owner's licence 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 licence in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this By-law, terminate.
- (b) Subject to subsections (d) and (e) hereof, the Licensing Officer may in his discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour has been operated subject also to the following conditions:
  - (i) That the new applicant qualify under all of the other provisions of this By-law, and that he comply with all of the requirements of this By-law relating to him;
  - (ii) That the new applicant file with the Licensing Officer the documents relating to ownership and to his right to possess or occupy the adult entertainment parlour, all as required by subsection (b) of section 8 of this By-law;
  - (iii) That the applicant and the vendor file with the Licensing Officer an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment parlour or premises;
  - (iv) That the agreement contain a statutory declaration, in a form supplied by the Licensing Officer, by both parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Licensing Officer.
- (c) The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by subsection (b) hereof shall be deemed a violation of the provisions of this By-law.
- (d) Notwithstanding subsections (a) and (b) hereof, the Licensing Officer may in his discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment parlour in a

transaction under this section when the Licencing Officer is of the opinion that it is not in the public interest, as determined by the Licencing Officer, that such new licence or licences should be issued.

- (e) Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's licence issued in respect of such adult entertainment parlour shall terminate, and the Licencing Officer may, subject to the provisions of this By-law, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment parlour to operate the adult entertainment parlour by an endorsement to that effect upon an owner's licence issued to him or may issue a new operator's licence to any person previously licenced as an operator in respect of such adult entertainment parlour.

## **Chapter Twelve      12.      Breach of Regulations**

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 regulations contained in this By-law.

## **Chapter Thirteen    13.      Production of Licence**

- (a) Every owner, operator and attendant providing services at an adult entertainment parlour or in attendance at an adult entertainment parlour in pursuance of a trade, calling, business or occupation carried on by the owner, or operator of such adult entertainment parlour, shall, upon a request made to him by any peace officer, by-law enforcement officer, officer of the Markham Fire Department, or public health inspector, provide his name and residential address, and if he is licenced under this By-law in respect to any trade, calling, business or occupation relating to such adult entertainment parlour, he shall produce his said licence. There shall be an individual who is a licenced owner or operator on the premises at all times while the Adult Entertainment Parlour is opened for business.
- (b) Notwithstanding subsection (a), this section does not require an attendant to identify himself or produce his licence to a public health inspector.

## **Chapter Fourteen    14.      Other Licences**

- (a) Subject to this By-law, before there is carried on in any adult entertainment parlour any business, trade, calling or occupation in an adult entertainment parlour for which a licence is otherwise required by, the owner or the said adult entertainment parlour shall attend before the

Licensing Officer and shall apply to have his licence endorsed to permit such trade, calling, business or occupation to be carried on in such adult entertainment parlour, and if the Licensing Officer authorized such endorsement, the said owner shall pay the licence fee, if any, required of him by the By-law for such a licence.

- (b) No owner or operator shall permit any trade, calling, business or occupation for which a licence is required under this By-law, to be carried on in an adult entertainment parlour owned or operated by him unless a description of the said trade, calling, business or occupation is endorsed on the owner's licence as provided in this By-law and unless the owner and every other person required to be so licenced has paid the licence fee applicable to him.
- (c) Every person shall in carrying on or permitting the carrying on of any trade, calling, business or occupation in an adult entertainment parlour comply with all of the requirements of the By-law relating thereto, including the requirement of licence, if any.

## **Chapter Fifteen      15.      Regulations**

- (a) No person under the age of nineteen may be or act as an owner or operator of an adult entertainment parlour or provide any services in an adult entertainment parlour.
- (b) No one may provide services in an adult entertainment parlour to a person under the age of nineteen years.
- (c) No owner or operator shall permit any person under the age of nineteen to enter or remain in any adult entertainment parlour owned or operated by him.
- (d) This section shall not be deemed to prohibit any person from entering or remaining in any premises licenced as an adult entertainment parlour except when services are being provided in such premises.
- (e) No owner or operator may, in respect of an adult entertainment parlour owned or operated by that person, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by or have physical contact with any other person in any manner whatsoever involving sexual touching, which shall include rubbing, fondling or manual stimulation of the genitals, the buttocks, or the breasts of the attendant's body or of that person's body, whether or not such body parts are clothed or unclothed.

- (f) No attendant, while providing services as an attendant, may touch or be touched by or have physical contact with any other person in any manner whatsoever involving sexual touching, which shall include rubbing, fondling or manual stimulation of the genitals, the buttocks, or the breasts of the attendant's body or of that person's body, whether or not such body parts are clothed or unclothed.
- (g) Every owner and every operator shall ensure that signage is posted in conspicuous locations throughout the adult entertainment parlour sufficient to be visible to all attendants and patrons therein, which signage shall indicate the prohibition respecting sexual touching, which shall include rubbing, fondling or manual stimulation of the genitals, the buttocks, or the breasts of the attendant's body or of that person's body, whether or not such body parts are clothed or unclothed.
- (h) The adult entertainment parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility.
- (i) Within any adult entertainment parlour, the owner shall designate an area, which shall be the only area within which adult entertainment services may be provided, and which area shall contain no smaller room, area or cubicle enclosed or partitioned by any wall extending from the floor to a height in excess of 1.07 metres from the floor.
- (j) No room, area or cubicle located within the adult entertainment parlour, other than the area designated for that purpose, may be used by any person for the provision of adult entertainment services.
- (k) No adult entertainment parlour or part thereof shall be used as a dwelling or for sleeping purposes or contain therein any furniture which is commonly used or may be used for sleeping purposes.
- (l) No door to any room, area or cubicle where adult entertainment services are or may be provided, save and except for the area designated and used by the owner or operator as office space, one storage room and rooms required for the heating, ventilation and air conditioning systems of the adult entertainment parlour, 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 room, area or cubicle.
- (m) No attendant may provided entertainment services in a room, area, or cubicle which has a door or other means of access that is equipped or constructed with a locking device of any kind or that is equipped or

constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.

- (n) Every owner applying for a licence under this By-law shall file with his application a floor plan of the adult entertainment parlour upon which the owner shall clearly designate the area which shall be used to provide adult entertainment services, the area which shall be used as office space, the storage room and the heating, ventilation and air conditioning systems, if any. In the event that the owner wishes to amend the floor plan, he shall first file with the Licencing Officer a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licencing Officer.

**Chapter Sixteen      16.      Conduct of Operation**

Every owner, operator and attendant 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 is dealing.

**Chapter Seventeen      17.      Compliance with By-law**

Every person shall comply with the provisions of this By-law where applicable to him whether or not he is licenced under this By-law.

**Chapter Eighteen      18.      Licences**

- (a) A licence shall not be issued for any adult entertainment parlour unless it is located in a defined area.
- (b) Only one licence shall be issued for each defined area.
- (c) The number of licences that may be issued pursuant to this by-law is limited to two.
- (d) A licence shall not be issued for any Adult Entertainment Parlour, unless all the conditions as set out in Schedule "A" attached hereto have been satisfied.

**Chapter Nineteen      19.      Application and Granting of Licence**

- (a) Every application for a licence or a renewal of a licence under this by-law shall be filed with the Licencing Officer and be accompanied by:

- (i) A statement in the form prescribed by the Licencing Officer, giving particulars as to the location of the adult entertainment parlour together with such other information as may be required to determine whether the use complies with all applicable zoning by-laws and other regulations;
- (ii) The appropriate fee as set out in By-law No.2002-284

**Chapter Twenty      20.      Term of Licence**

Licences and renewals thereof issued under this by-law shall expire six months from the date they are issued.

**Chapter Twenty-one      21.      Notice of Revocation**

Notice of revocation of or termination of any licence may be given by Council by registered letter signed by the Clerk and mailed or delivered to the last known address and upon such notice being given, the licence shall then be revoked and terminated and no fees shall be refunded in respect thereof.

**Chapter Twenty-two      22.      Penalty**

Any person who contravenes the provisions of this By-law, including every person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or officer of a corporation 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.

**Chapter Twenty-three      23.      Schedules**

Schedules "A", "B" and "C" attached hereto form part of this by-law.

**Chapter Twenty-four            24.    The Licencing 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 by this By-law;
- (d) make or cause to be made a circulation respecting the application which shall include circulation of the licence application to the Medical Officer of Health, Municipal and Provincial Police Departments, the Town of Markham Fire Department and any other departments of the Town which may be affected, for comments;
- (e) make or cause to be made all investigations and inspections which he 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.

**25.** Notwithstanding the foregoing section, upon review of a licence application, including an application for renewal, or upon becoming aware of circumstances which may justify revocation of the licence, the Licencing Officer shall prepare a report and seek Council's direction with respect to the issuance, renewal or revocation of a licence where:

- (a) the past or current conduct of the applicant or licence holder affords reasonable grounds for belief that he is not carrying or will not carry on the trade, calling, business or occupation in respect of the licence in accordance with law and 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 licence by the applicant or licence holder has 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 belief that its trade, calling, business or occupation in respect of the licence has or will not be carried on in accordance with the law and with integrity and honestly; 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.

**26.** When an application for 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 Licencing Officer has been so authorized by Council in response to a Report in this regard, the Licencing 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 licenced.

**27.** The Licencing Officer may suspend a licence where there is reason to believe that a breach of this By-law has occurred or for any of the reasons that would form the basis of a report to seek Council's direction with respect to the issuance or renewal of a licence. 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 Licencing 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 Licencing Officer is able to confirm that the conditions leading to the suspension have been remedied.

**28.** At any meeting of Council called in relation to a report to consider the issuance, renewal, suspension or revocation of a licence:

- (a) the applicant shall be accorded its rights pursuant to the *Statutory Powers Procedures Act* including the right to appear and speak to the matter;

- (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.
- 29.** The short title of this by-law shall be the “Adult Entertainment Parlour (Services) By-law”.
- 30.** By-law No. 2001-22, "A By-law to licence and regulate adult entertainment parlours within the Town of Markham" shall be repealed January 1, 2003.

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

"Sheila Birrell"

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TOWN CLERK

"Don Cousens"

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MAYOR

**Chapter Twenty-five SCHEDULE "A"  
TO BY-LAW 2002-287**

CONDITIONS

1. An Adult Entertainment Parlour shall not be permitted within 120 metres of a residential use.
2. Parking shall be provided for an Adult Entertainment Parlour at one space per 9m<sup>2</sup> of gross floor area of the premises.
3. A minimum landscaping strip of 3 metres in width shall be provided along the side and rear lot lines of the property .