

Authority: Licensing and Standards Committee Item 19.1,  
as adopted by City of Toronto Council on April 3 and 4, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 620-2013**

#### **To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting adult entertainment clubs.**

Whereas the *City of Toronto Act, 2006* grants the City of Toronto the authority to enact by-laws for the licensing, regulating and governing of businesses wholly or partly carried on in the City of Toronto and to protect the health, safety and well being of persons, including consumers, and to protect the economic, social and environmental well-being of the City; and

Whereas, in the interests of the health and safety of entertainers and patrons, consumer protection and in the aid of law enforcement, the Municipal Code currently requires the owners and operators of adult entertainment clubs to be licensed and requires private performance areas be built to meet certain standards; and

Whereas the Municipal Code does not currently require that shift managers, who carry on daily operations of an adult entertainment club, be licensed, but doing so would be in the interests of the health and safety of entertainers and patrons and in the aid of law enforcement; and

Whereas the Municipal Code does not currently regulate the use of video cameras or other recording devices installed in adult entertainment clubs, but doing so would be in the interests of the health, safety and privacy of entertainers and patrons; and

Whereas in response to changes in and concerns raised by the adult entertainment industry and to clarify the City's by-law enforcement interests, amendments are required to the current licensing categories, regulations concerning recording devices and construction standards for private performance areas;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 545, Licensing, is amended by:
  - (a) Replacing the definition of "OPERATOR" found in § 545-1B(3)(C)(3) with the following:

"OPERATOR - A person who manages, supervises, runs, or controls all operations of an adult entertainment club."
  - (b) Replacing § 545-2A(55) with the following:

"Every owner, operator or designated manager of an adult entertainment club."

- (c) Adding a new definition of "DESIGNATED MANAGER" to § 545-1B(3)(C), which reads as follows:

"DESIGNATED MANAGER - A person authorized by the owner of an adult entertainment club to manage, supervise, or control daily or shift operations of a club on behalf on an owner or operator."

- (d) Repealing Article XXXII, Adult Entertainment Clubs and replacing it with "Article XXXII, Adult Entertainment Clubs", attached to this by-law as Schedule A.

2. City of Toronto Municipal Code, Chapter 441, Fees and Charges, Appendix C, Schedule 12, is amended by:

- (a) Adding two new license categories and fees, as follows:

Processing Application for AEC Designated Manager - Req. For Fees licence	Full Cost Recovery	Per Application	\$360.69	Yes
Processing Renewal for AEC Designated Manager - Req. For Fees licence	Full Cost Recovery	Per Application	\$254.00	Yes

3. This by-law shall come into effect on July 1, 2013.

Enacted and passed on May 10, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE "A"**

**ARTICLE XXXII  
Adult Entertainment Clubs**

**§ 545-362. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED ENTERTAINMENT AREA - means an area within the club, approved by the Executive Director of Municipal Licensing and Standards Division, or his or her designate, in which services designed to appeal to erotic or sexual appetites or inclinations are or may be provided. This area includes all private booths, rooms, cubicles, or any other area and enclosure where such services are or may be provided. All areas included in the designated entertainment area must provide unobstructed access to all entrances and exits to or in the premises.

ENTERTAINER - A person licensed or required to be licensed under § 545-2A(56).

OWNER, OPERATOR and DESIGNATED MANAGER - Respectively, an owner, operator, or designated manager of an adult entertainment club licensed as such or required to be licensed as such under § 545-2A(55).

PRIVATE ROOM, BOOTH OR CUBICLE - Any space within a designated entertainment area used for the provision of services that is substantially obscured from the view of nearby persons by reason of being partially or fully enclosed by any means whatsoever.

SECURITY PERSONNEL - Any person whose primary responsibility or duty while engaged or hired by an adult entertainment club is to ensure orderly conduct on the premises or to guard, patrol or to provide security to the premises, entertainers, patrons or employees.

SERVICES - Services designed to appeal to erotic or sexual appetites or inclinations, as defined in the definition of "adult entertainment club" in § 545-1.

TO PROVIDE and SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - The meaning given to them respectively in the definition of "adult entertainment club" in § 545-1.

**§ 545-363. Application and licensing requirements.**

- A. On every application by an individual person for an owner's, operator's, designated manager's or entertainer's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of an adult entertainment club owned or operated by a partnership, the attendance required under Subsection A shall be by one of the partners and in the case of

an adult entertainment club owned or operated by a corporation, such attendance shall be by an officer of the corporation.

- C. Every applicant for an owner's licence shall, at the time of making his or her application, file with the Municipal Licensing and Standards Division a list showing the names of all operators of and entertainers providing services in his or her adult entertainment club and all such persons intended or expected by him or her to be employed or to provide services in his or her adult entertainment club and shall thereafter maintain a list showing at all times the names of all operators of and entertainers providing services in his or her adult entertainment club; and such owner shall, upon a request made to him or her by the Municipal Licensing and Standards Division, any peace officer or a by-law enforcement officer, produce the list, brought up to date as of the time of the request.
- D. On every application for an owner's, operator's, designated manager's or entertainer's licence by an individual or by a corporation, the applicant shall state:
- (1) If the applicant is an individual, his or her date of birth; and
  - (2) 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 of the corporations referred to in § 545-364.
- E. Every applicant referred to in Subsection D and every shareholder, partner or other person referred to in this section or in §§ 545-364, 545-365 or 545-366, shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.
- F. Every owner or operator applying for or renewing a licence in respect of an adult entertainment club shall file with the Municipal Licensing and Standards Division a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises and shall advise the Municipal Licensing and Standards Division forthwith of any suspension, cancellation, revocation or termination of the licence or permit issued under the *Liquor Licence Act* or a change to any of its terms.
- G. Every holder of and every applicant for an owner's licence shall submit for approval by the Executive Director, or his or her designate, an up-to-date, detailed floor plan, drawn to scale, of the adult entertainment club. The details on such a floor plan shall include but are not limited to the following:
- (1) The boundaries of any proposed designated entertainment area(s); and
  - (2) The location of seating areas, offices, cloak rooms, enclosures, curtains, disc jockey areas, kitchen facilities, bar areas, dressing or locker rooms, washrooms, storage areas, entrances and exits.

- H. No owner shall change or cause a change to the floor plan referred to in Subsection G without first submitting a revised floor plan containing the information described in that subsection for approval by the Executive Director, or his or her designate.

**§ 545-364. Application for licence by corporations.**

- A. Every corporation applying for an owner's or operator's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual 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 Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders; and if such annual 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 an annual 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 annual returns required by Subsection B shall be filed with the Municipal Licensing and Standards Division 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 Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.
- E. Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division 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.
- F. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
- G. 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 sold, transferred or acquired, such licence or licences shall be terminated forthwith and the Municipal Licensing and Standards Division may issue a new licence or new licences

upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.

- H. 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 Municipal Licensing and Standards Division at the same time as the owner or operator an annual return as provided in Subsection D; 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.
- I. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

**§ 545-365. Application for licence by partnerships.**

- A. Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Municipal Licensing and Standards Division a declaration in writing signed by all members of the partnership, which declaration shall state:
  - (1) The full name of every partner and the address of his or her ordinary residence;
  - (2) The name or names under which they carry on or intend to carry on business;
  - (3) That the persons named are the only members of the partnership; and
  - (4) 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 § 545-364 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 Municipal Licensing and Standards Division 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 Municipal Licensing and Standards Division.
- D. Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

**§ 545-366. Declaration to be filed when name of business indicates plurality of members.**

- A. Every person applying for an owner's, operator's or entertainer's licence who carries on or intends to carry on his or her business in or relating to an adult entertainment club under a name or designation other than his or her own name or under his or her 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 or her application, file with the Municipal Licensing and Standards Division a declaration, which shall state:
- (1) His or her full name and the address of his or her ordinary residence;
  - (2) Any name or designation under which he or she carries on or intends to carry on business and the date when the name or designation was first used by him or her;
  - (3) That no other person is associated with him or her in partnership;
  - (4) The date of his or her birth; and
  - (5) The mailing address for his or her business.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A.

**§ 545-367. Legal name to be used in application; use of other name or designation.**

- A. Every owner, operator, designated manager or entertainer applying for a licence must use his or her own legal name in making such application and subject to Subsection B, no such licence shall be issued to any person in any name other than his or her own legal name.
- B. Every owner, operator or entertainer intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Municipal Licensing and Standards Division notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.
- C. No owner, operator or entertainer shall carry on business under any name or designation other than his or her own, unless he or she has filed with the Municipal Licensing and Standards Division a notice of his or her intention to use such name or designation, and no person shall use any name or designation in respect of an adult entertainment club or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with Subsection B.

**§ 545-368. Review of application by governmental agencies.**

Every application for an owner's or operator's licence shall be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Toronto Police Service and may also be referred to any other government official or functionary for a report; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted notwithstanding such report.

**§ 545-369. Licensing requirements of owners and operators.**

- A. No adult entertainment club may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. Documentation concerning ownership of property.
  - (1) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him or her as an adult entertainment club; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment club is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his or her 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.
  - (2) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act*<sup>1</sup> or the *Registry Act*<sup>2</sup> as the case may be.
- C. A separate owner's licence shall be taken out in respect of each adult entertainment club.
- D. Every person who operates, manages, supervises, runs or controls an adult entertainment club shall obtain an operator's licence, but nothing herein relieves an owner of such adult entertainment club from the requirement that he or she obtain an owner's licence.
- E. An owner, operator or designated manager may, subject to the provisions of this chapter, if his or her licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform the services of an entertainer in the adult entertainment club of which he or she is the owner, operator or designated manager.
- F. An owner who operates his or her own adult entertainment club shall notify the Municipal Licensing and Standards Division of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the

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<sup>1</sup> Editor's Note: See R.S.O. 1990, c. L.5.

<sup>2</sup> Editor's Note: See R.S.O. 1990, c. R.20.



appropriate licence fee, and he or she shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his or her adult entertainment club.

**§ 545-370. Regulations concerning owners and operators.**

- A. No owner of an adult entertainment club or premises shall permit any person other than a licensed operator or designated manager to operate such adult entertainment club, except as set out in § 545-385E and F.
- B. No owner or operator shall permit the provision of services upon or at his or her adult entertainment club or pursuant to the operation by him or her of an adult entertainment club by any person other than a licensed entertainer or other person licensed or authorized by or under this chapter so to do.
- C. No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his or her adult entertainment club or to provide services in his or her adult entertainment club.
- D. No owner or operator shall permit any entertainer to provide services in any area that has not been approved as a designated entertainment area by the Executive Director, or his or her designate under § 545-363G or H.
- E. No operator not being the owner of an adult entertainment club shall operate the said adult entertainment club unless the owner of the said adult entertainment club is duly licensed as owner under this chapter.
- F. No operator may operate an adult entertainment club unless he or she first notifies the Municipal Licensing and Standards Division of the name of the owner whose adult entertainment club he or she intends to operate and has endorsed upon his or her licence the said owner's name accordingly, and every operator before operating any other adult entertainment club shall notify the Municipal Licensing and Standards Division of his or her intention so to do and have his or her licence endorsed accordingly.

**§ 545-371. Written contracts of service.**

A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment club or between owner or operator and an entertainer providing services at an adult entertainment club shall be filed with the Municipal Licensing and Standards Division, and the original of any such document shall be made available for inspection at any time by the Municipal Licensing and Standards Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

**§ 545-372. Change of address of owner, operator or entertainer.**

Every owner, operator, designated manager or entertainer who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards

Division and notify the Municipal Licensing and Standards Division of such change of address and produce his or her licence so the change may be entered on it.

**§ 545-373. Sale, lease or other disposition of adult entertainment club.**

- A. No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her adult entertainment club or the premises or part thereof upon or in which an adult entertainment club is operated to any person, his or her licence in respect of such adult entertainment club or premises shall, notwithstanding any other provision of this chapter, terminate.
- B. Subject to Subsections D and E, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment club or the premises or part thereof upon or in which an adult entertainment club has been operated subject also to the following conditions:
  - (1) That the new applicant qualify under all of the other provisions of this chapter, and that he or she comply with all of the requirements of this chapter relating to him or her;
  - (2) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his or her right to possess or occupy the adult entertainment club, all as required by § 545-370B;
  - (3) That the applicant and the vendor file with the Municipal Licensing and Standards Division 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 club or premises;
  - (4) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- 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 shall be deemed a violation of the provisions of this chapter.
- D. Notwithstanding Subsections A and B, the Toronto Licensing Tribunal may in its discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment club in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- E. Upon the sale, lease or other disposition of an adult entertainment club, every operator's licence issued in respect of such adult entertainment club shall terminate, and the

Municipal Licensing and Standards Division may, subject to the provisions of this chapter, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment club to operate the adult entertainment club by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such adult entertainment club.

**§ 545-374. Adult entertainment clubs not to be used as dwellings or sleeping quarters.**

No premises or part thereof used as an adult entertainment club shall be used as a dwelling or for sleeping purposes.

**§ 545-375. Requirements for private rooms, booths or cubicles; obstruction or locking prohibited.**

- A. All private rooms, booths or cubicles must have no more than three sides; or have one side constructed of non-opaque material such as glass or plexiglass. When only one side of the private room, booth or cubicle is open or constructed of a non-opaque materials, such side may not abut another private room, booth, or cubicle or be placed with four feet of a wall or other solid obstruction. When services are being provided, the view into any private room, booth or cubicle must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity and in all lighting conditions.
- B. No means of access to a private room, booth or cubicle shall be equipped or constructed with a locking device of any kind.
- C. All private rooms, booths or cubicles must be equipped with an alert system or signalling device for use by and easily accessible to entertainers; such system or device must be in working order and monitored by security personnel or by an owner or operator at all times.
- D. The interior of any private room, booth or cubicle shall allow for adequate clearance between its occupants and between its occupants and any furniture, walls, partitions, fixtures or objects so as to allow for the unrestricted movement of its occupants.
- E. No entertainer shall provide any services and no owner, operator or designated manager shall permit any services to be provided in any private room, booth or cubicle that does not meet the requirements.

**§ 545-376. Bookkeeping requirements.**

- A. Every owner who operates his or her adult entertainment club business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment club operated by him or her, which books shall give the amount of gross receipts for all services provided in the said adult entertainment club, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment club, the name and licence

number of every entertainer providing services in the said adult entertainment club, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each entertainer and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment club or adult entertainment business.

- B. Every owner to whom Subsection A relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division shall at all times have access to such records.

**§ 545-377. Regulations for operation of adult entertainment clubs.**

Every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall comply with, and ensure compliance with, the following regulations:

- A. The premises, including all private rooms, booths or cubicles, shall be provided with adequate light and shall be ventilated in accordance with the Ontario *Building Code Act, 1992* and its regulations, or any other applicable statute, regulation or by-law.
- B. The premises and all fixtures and equipment, including but not limited to dancing poles and stages, shall be regularly washed and kept in a sanitary condition.
- C. The premises shall have an enclosed dressing or locker room, located outside of any designated entertainment area, for the exclusive use of entertainers, and such dressing or locker room shall provide a secure place for each entertainer to store his or her personal belongings.
- D. All dressing or locker rooms and designated entertainment areas shall have alcohol hand sanitizer dispensers installed in conspicuous locations, and such dispensers must be in good working order and accessible to entertainers, patrons and employees at all times.
- E. The premises shall have an easily-accessible first-aid kit, equipped in a manner satisfactory to the Medical Officer of Health or a public health inspector, or his or her designate.
- F. The premises shall be equipped with an effective utility sink.
- G. Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females.
- H. Washrooms shall be equipped with:
- (1) An adequate supply of hot and cold water;
  - (2) An adequate supply of liquid soap in a suitable container or dispenser;

- (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - (4) A suitable receptacle for used towels and waste material.
- I. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment club.
- J. In all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
  - (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
  - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
  - (3) All showers must have removable cleanable drain covers; and
  - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- K. Common foot baths shall not be provided on the premises.
- L. Duck-boards or cocoa matting shall not be used in the shower, bath or steam room, and only liquid or powdered soap shall be used in the shower room.

**§ 545-378. Owners, operators, and designated managers to ensure compliance with regulations.**

No owner, operator or designated manager shall permit any services to be given, performed, provided or received in any adult entertainment club in breach of any of the regulations contained in this chapter.

**§ 545-379. Signs and advertising.**

- A. Every owner and operator licensed under this chapter shall exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Executive Director, or his or her designate, a sign issued by the Municipal Licensing and Standards Division bearing the words, "LICENSED ADULT ENTERTAINMENT CLUB No.       " (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Municipal Licensing and Standards Division at 416-392-3082."
- B. Every owner and operator shall post his or her licence issued in respect of an adult entertainment club in a conspicuous place within the premises at all times during the currency of the licence.

- C. No person other than a licensed owner or operator may use the phrase "licensed", "Toronto-licensed" or any words indicating the provision of the services at an adult entertainment club in pursuance of or in connection with any business, trade or occupation carried on in an adult entertainment club in the City of Toronto unless the owner of the premises and every person operating such business and every entertainer engaged in providing services at such premises has been duly licensed so to do by the Municipal Licensing and Standards Division.

**§ 545-380. List of services and fees.**

- A. Every operator of an adult entertainment club and every owner who operates his or her own adult entertainment club shall file with the Municipal Licensing and Standards Division a copy of a list of all services provided at the said adult entertainment club and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment club, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.
- B. No operator, owner or entertainer shall charge, demand, ask for or require or permit to be charged, demanded, asked for or required for any services, provided at an adult entertainment club any amount other than that set out in a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- C. No operator, owner or entertainer shall provide services at or in respect of an adult entertainment club other than those permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the adult entertainment club all as described on a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- D. Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the adult entertainment club owned or operated by him or her plainly visible to any person upon entering the said premises.

**§ 545-381. Owners, operators, designated managers, and entertainers to provide name, address and licence upon request; exception for entertainers.**

- A. Every owner, operator, designated manager and entertainer providing services at an adult entertainment club or in attendance at an adult entertainment club in pursuance of a trade, business or occupation carried on by the owner or operator of such adult entertainment club, shall, upon a request made to him or her by any peace officer, by-law enforcement officer, Medical Officer of Health or public health inspector acting under the direction of the Medical Officer of Health provide his or her name and residential address, and if he or she is licensed under this chapter in respect of any trade, business or occupation relating to such adult entertainment club, he or she shall produce his or her said licence.

- B. Notwithstanding Subsection A, this section does not require an entertainer to identify himself or herself or produce his or her licence to a Medical Officer of Health or public health inspector.

**§ 545-382. Other trades, businesses or occupations in adult entertainment clubs.**

- A. Before there is carried on in any adult entertainment club any business, trade or occupation in an adult entertainment club for which a licence is otherwise required by this chapter, the owner of the said adult entertainment club shall attend at the offices of the Municipal Licensing and Standards Division and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment club, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him or her by the by-law for such a licence.
- B. No owner or operator shall permit any trade, business or occupation for which a licence is required under this chapter to be carried on in an adult entertainment club owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this chapter and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.
- C. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment club comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.

**§ 545-383. Minors.**

- A. No person under the age of 18 may be or act as an owner, operator or designated manager of an adult entertainment club or provide any services in an adult entertainment club.
- B. No one may provide services in an adult entertainment club to a person under the age of 18 years.
- C. No owner, operator or designated manager shall permit any person under the age of 18 to enter or remain in any adult entertainment club owned, operated or managed by him or her.
- D. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment club except when services are being provided in such premises.

**§ 545-384. Patrons not to be intoxicated.**

No owner, operator or designated manager shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment club owned, operated or managed by him or her.

**§ 545-385. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.**

- A. No owner or operator shall, in respect of an adult entertainment club owned or operated by him or her, open or permit to remain open for business such adult entertainment club or permit any services of any kind to be provided in the said adult entertainment club at any time between the hours of 1:00 a.m. and 8:00 a.m. of the same day.
- B. Subject to Subsection A, every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the adult entertainment club, which schedule shall state specifically the opening and closing times of the said adult entertainment club for each day of the week.
- C. No person shall permit an adult entertainment club owned, operated or managed by him or her to be open for business at any time other than the times set forth in a schedule filed with the Municipal Licensing and Standards Division pursuant to Subsection B.
- D. During the hours of business of an adult entertainment club set forth in the schedule filed with the Municipal Licensing and Standards Division in accordance with Subsection B, or at any time at which an entertainer is in attendance at an adult entertainment club, it shall be the responsibility of the owner, operator and designated manager, if any, to ensure that the door or doors or other principal means of access into the adult entertainment club by the public shall be kept unlocked and available so that anyone coming into the adult entertainment club from the street or other public place may enter without hindrance or delay.
- E. Either the owner, operator or designated manager licensed in respect of an adult entertainment club shall be in attendance at such adult entertainment club at all times during its hours of operation, and no owner or operator shall permit an adult entertainment club owned or operated by him or her to open for business, or remain open for business, or any entertainer to enter or remain therein, or any service to be provided at such entertainment club unless this subsection is complied with.
- F. Notwithstanding Subsection E, an owner, operator or designated manager may, in case of an emergency or on a temporary basis, appoint another employee of the club to supervise its daily operations in the owner's or designated manager's absence.
- G. For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned shall be reckoned in accordance with the time so commonly observed and not standard time.



**§ 545-386. Drugs and alcohol.**

- A. No owner, operator, designated manager or entertainer shall consume liquor or drugs while working in an adult entertainment club, nor shall the use of liquor or any drug impair his or her ability to operate, manage or offer services in an adult entertainment club.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

**§ 545-387. Appearance and behaviour of owners, operators and entertainers.**

Every owner, operator and entertainer shall, while engaged in his or her respective trade, business or occupation in an adult entertainment club, be neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

**§ 545-388. Use of cameras or other photographic or recording devices.**

- A. No owner, operator, designated manager or entertainer shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment club by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction or a by-law enforcement officer.
- B. Subsection A shall not apply to cameras installed in an adult entertainment club for security purposes in areas other than washrooms and dressing or change rooms.
- C. If cameras are installed in an adult entertainment club for security purposes, the owner or operator of such adult entertainment club shall ensure that signs are posted in conspicuous locations, including each entrance to the adult entertainment club and in each designated entertainment area to notify its occupants of the use of security cameras, and such signs must be legible and clearly visible to anyone approaching.
- D. No owner or operator shall disclose, distribute, make available or allow any person to disclose, distribute or make available any information recorded by a camera or other photographic or recording device installed or used in the adult entertainment club, except where such information is required for training employees of the adult entertainment club, use in a law-enforcement process, or as part of an insurance claim regarding the operations of the adult entertainment club.
- E. Every owner shall ensure that any information recorded by a camera or other photographic or recording device installed or used in his or her adult entertainment club is adequately protected, both physically and electronically, against loss, theft, unauthorized access, disclosure, copying, use or modification and ensure that such information is accessible only to him or her, or an operator or designated manager of the adult entertainment club.
- F. Notwithstanding Subsections D and E, the Medical Officer of Health, public health inspectors, peace officers and the Municipal Licensing and Standards Division shall be

given access, on demand, to any camera or other photographic or recording device installed or used in the adult entertainment club and may view and copy any information recorded thereon for the purpose of inspection or investigation under this chapter or any other law.

- G. Every applicant for an owner's licence, at the time he or she applies for such licence, or every holder of an owner's licence, upon demand of the Executive Director or her or her designate, shall file a privacy and security plan regarding any cameras or photographic or recording devices installed or used in the adult entertainment club with the Municipal Licensing and Standards Division, which details:
- (1) The measures put in place to restrict access to the information recorded;
  - (2) A reasonable period after which the information recorded shall be destroyed, unless such information is required for the purpose of a lawsuit or insurance claim; and
  - (3) The process by which recorded information will be destroyed or disposed of securely.
- H. At least seven days prior to making any change to the privacy and security plan referred to in Subsection G, an owner must submit a list in writing of the proposed changes to the Executive Director, or his or her designate.
- I. Before engaging any person to provide services in an adult entertainment club, an owner or operator must provide him or her with notice of the presence, if applicable, of security cameras or other photographic or recording devices installed or used in the adult entertainment club.
- J. Before installing any new camera or other photographic or recording device, or changing the location of an existing camera or other photographic or recording device in an adult entertainment club, its owner or operator must inform each entertainer of such changes, in writing.
- K. Nothing in this section shall preclude an entertainer from using a camera or other photographic or recording device outside of the operating hours of the adult entertainment club for the purpose of recording his or her own performance or practice.

**§ 545-389. Unlicensed persons to comply.**

Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is licensed under this chapter.

**§ 545-390. Compliance with other provisions.**

Notwithstanding any provision in this article, nothing herein permits the contravention of any provision in this chapter or in any other by-law of City Council.

**§ 545-391. Number of owners' licences restricted.**

The number of owners' licences which may be granted by the Municipal Licensing and Standards Division in respect of adult entertainment clubs shall be limited to 63.

**§ 545-392. Owners and operators not to permit entertainers to have physical contact with other persons.**

No owner, operator or designated manager of an adult entertainment club shall:

- A. Permit any entertainer to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or other person when providing services at the adult entertainment club.
- B. Permit any patron to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of any entertainer or other employee.

**§ 545-393. Entertainers not to have physical contact with other persons.**

No entertainer shall touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or any other person when providing services at an adult entertainment club.

**§ 545-394. Entertainers to perform only within the designated entertainment area.**

- A. No owner, operator or designated manager shall permit services to be provided in any area of the premises other than a designated entertainment area shown on the approved floor plan filed pursuant to § 545-363G or H with the Municipal Licensing and Standards Division.
- B. No owner, operator or designated manager shall permit any portion of the designated entertainment area to be fully obstructed from view.

**§ 545-395. Notices to be posted.**

- A. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms, at all public entrances and exits, in the washrooms, and in the designated entertainment area, including each private room, cubicle or booth, in a format approved by the Municipal Licensing and Standards Division that include the following statements:
  - (1) Physical contact with the entertainers' breasts, buttocks, genital, pubic, anal, and perineal areas, as well as other unwanted physical contact is prohibited under Municipal Code Chapter 545, Licensing and may also constitute an assault or sexual assault under the Criminal Code of Canada; and

- (2) Health Notice: Certain sexually transmitted infections such as herpes and human papilloma virus (HPV) can be passed on through contact with the genitals or skin.

For more information on this or any other sexual health concern, please call the AIDS and Sexual Health InfoLine at 416-338-2437.

For other health or social services information, you may call 211 to be linked to an appropriate service, or contact the Workers Action Centre at 416-531-0778.

- B. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms and at all public entrances and exits in a format approved by the Municipal Licensing and Standards Division that include the following contact information:

- (1) Municipal Licensing and Standards Division, Complaints and Information Line: 416-392-3082 or toll-free 1-877-868-2947;
- (2) Toronto Police Services (Non-emergency line): 416-808-2222; and
- (3) Ontario Ministry of Labour, Health and Safety Centre: 1-877-202-0008.

**§ 545-396. Provision of security personnel.**

- A. Every owner of an adult entertainment club shall ensure that all security personnel are licensed under the *Private Security and Investigative Services Act* in the Province of Ontario.
- B. Every owner of an adult entertainment club shall ensure that all security personnel wear identification or clothing by which they can readily be identified as security personnel while on duty.

**§ 545-397. Transitional provisions.**

Every owner of an adult entertainment club shall comply with the provisions of this by-law with respect to the construction of private rooms, booths, or cubicles, the provision of security personnel, and the installation of an alert system or signalling device no later than March 1, 2014.