

**The Corporation of the City of Cornwall  
By-law # 177-2005**

Being a By-law of the Corporation of the City of Cornwall  
to provide for licensing, regulating, inspecting and governing  
Adult Entertainment Establishment, attendants and performers

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**WHEREAS** Section 150 of the Municipal Act, 2001 authorizes council to pass By-laws for licensing, regulating, inspecting and governing local business.

**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 and related services such as attendant and performers, any classes thereof and for revoking or suspending any such licenses and for limiting the number of licenses to be granted;

**AND WHEREAS** the Corporation of the City of Cornwall deems it advisable, having regard among other matters to the potential for public nuisance, health and safety, had enacted a By-law to govern that class of Adult Entertainment Parlours, attendants and performers which services are provided.

**THEREFORE** the Council of the Corporation of the City of Cornwall enact as follows:

**DEFINITIONS AND INTERPRETATIONS**

1. For the purpose of this By-law:

**Adult Entertainment Establishment.** - means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

- (i) to provide when used in relation to services includes to furnish, perform, solicit or give such services in a pursuance of a trade, calling, business or occupation and "providing" and "provision" has corresponding meaning;
  - (ii) "services" include activities, facilities, performances, exhibitions, viewings and encounters;
  - (iii) "services designed to appeal to erotic sexual appetites or inclinations" and includes travelling adult entertainment shows.
- (a) Services of which a principal feature of characteristic is the nudity or partial nudity of any person;

- (b) Services in respect of which the word “nude,” “naked,” “topless,” “bottomless,” “sexy,” “nu,” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement;
- (c) when used in reference to an adult entertainment establishment,
  - (i) “Attendant” means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment establishment.
  - (ii) “Owner” means a person who alone or with others has the right to possess or occupy an adult entertainment establishment or actually does possess or occupy an adult entertainment and includes a lessee of an adult entertainment establishment or of premises upon which an adult entertainment establishment is located
  - (iii) “Operator” means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment establishment.

**Applicant.** - shall mean a person applying for the issuance or renewal of a license.

**Board.** - shall mean the Police Services Board for the Corporation of the City of Cornwall.

**Board of Health.** - shall mean the Eastern Ontario Health Unit.

**Certificates of Proof of Age.** - shall mean a Driver’s License issued by the Province of Ontario with a photograph of the person to whom the license is issued; a Canadian Passport; a Canadian Citizenship Card with a photograph of the person to whom the card is issued; a Canadian Armed forces Identification Card; or a Photo Card issued by the Liquor License Board of Ontario.

**Chief Building Official.** - shall mean the authority having jurisdiction over the Building Permits and By-law Enforcement Section, Department of Planning and Housing Services, and administer the related By-laws of the Corporation of the City of Cornwall under the direction of the Manager of Planning Services.

**Chief of Police.** - shall mean the Chief of Police for the Corporation of the City of Cornwall or his/her appointee.

**City.** - shall mean the Corporation of the City of Cornwall.

**Enforcement Officer.** - shall mean a police officer, By-law enforcement officer, a special constable or any other public officer engaged in the enforcement of this By-law.

**Fire Chief .** - shall mean the municipal Chief Fire Official for the Corporation of the City of Cornwall or a member or members of the Fire Department designated by the municipal Fire Chief or a person appointed by the Fire Marshall of Ontario.

- b) Every person who holds a license shall, in carrying on or engaging in the trade, calling, business, or occupation for which the license is issued, comply with this By-law and the regulations herein this By-law that relate to the person or the persons trade, calling, business, or occupation.

### **APPLICATIONS**

- 3. Every person that requires a license under the provisions of this By-law for any trade, calling, business, or occupation shall:
  - a) Apply to the Chief Building Official upon such form or forms as may be prescribed by the Corporation;
  - b) provide any documents requires under this By-law.
  - c) Pay, by cash or cheque, the applicable license and non-refundable application fee set out in the City of Cornwall By-law establishing licensing fees By-law #203-2005 and any amendments hereto;
- 4. a) The license fee referred to in Section 3(c) shall not be reduced or prorated.
- 5. a) Where a partnership or an association applies for a license, the names and addresses of each member of the partnership of association shall be set out in the application;
- b) The applicant shall include the name and address and contact information of the registered owner of the property where the business is being operated from.

### **PROCESSING AND ISSUANCE**

- 6. The Chief Building Official shall, upon receipt of the application referred to in Section 3, make or cause to be made all investigations considered necessary or which are required by law or by the Corporation relative to the applicant.

### **REFUSAL TO ISSUE**

- 7. The issue of a license shall be refused by the Chief Building Official until it has been determined that the licensee has complied with:
  - a) the regulations under the jurisdiction of the Board of Health;
  - b) this or any other By-laws of the Corporation, or which may be contrary to the law;
  - c) any other Federal or Provincial statutes or regulations.

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  - c) any other Federal or Provincial statutes or regulations.

### **EXPIRY**

8. The licenses for the several trades, callings, businesses or occupations set out herein this By-law shall, unless they are expressed to be for a shorter or longer time, be for one year and unless they are sooner forfeited or revoked shall in each case expire on January 31<sup>st</sup> of the year which succeeds the year the license was issued for.

### **RENEWAL**

9. The Chief Building Official shall renew an existing license if the licensee:
  - a) If the licensee meets all of the requirements of this By-law; and
  - b) pays by cash or cheque the applicable license fee set out in the City of Cornwall By-law Licensing Fees. (A late fee shall be levied, as per this By-law, for all annual licenses due February 1 that are not obtained by May 1).

### **REFUSAL TO RENEW**

10. A license shall not be renewed by the Chief Building Official until it has been determined that the licensee has complied with:
  - a) the regulations under the jurisdiction of the Board of Health;
  - b) this or any other By-laws of the Corporation;
  - c) any other Federal or Provincial statutes and regulations.
11. The Chief Building Official shall refuse to renew the license if the licensee does not meet all of the requirements for renewal as set out in Section 10 of this By-law.
12. If the Chief Building Official refused to renew the license, the licensee shall receive notice of refusal in writing, said notice to be served personally upon or sent by prepaid registered mail to the licensee.
13. If the licensee is not satisfied with the terms of the notice referred to in Section 12 of this By-law, he/she may appeal to the Chief Building Official within thirty (30) days after service of the notice of refusal.

### **TRANSFERS**

14. No license shall be transferable.
15. No person owning or operating a licensed premise under this By-law shall move from one location to another within the City of Cornwall without first paying the initial application fee set out in the By-law establishing fees and fulfilling the requirements for a license application as set out in this By-law.

## GENERAL PROVISIONS

16. Every person obtaining a license under this By-law:
  - a) Shall keep his/her license posted up in a conspicuous place on the premises in respect to which the license is issued; or
  - b) Where the license does not apply to a premise, shall keep on his/her person the license issued.
17. Every person applying for or holding a license under this By-law shall comply with the regulations set out herein this By-law
18. A license is issued subject to the condition that the holder of the license indemnifies and saves harmless the Corporation and the employees, contractors and agents of the Corporation from all loss, damage, legal action, costs and expenses arising from the carrying on of the business, trade, calling or occupation for which the license was issued.
19. No person shall enjoy vested right in the continuance a license and upon the issue, renewal, cancellation or suspension thereof, the value of the license shall be the property of the Corporation of the City of Cornwall.
20. No person licensed under this By-law shall refuse entry to a person with a service dog as provided for in the Health Protection and Promotion Act - O.Reg. 74/04.

## INSPECTIONS

21. A Municipal Law Enforcement Officer or any other municipal official may, with the owners approval:
  1. At all reasonable times, inspect the building, place or premise that is used for a trade, calling, business or occupation for which a person is licensed or is required to be licensed; and,
  2. When deemed necessary by the said officer, inspect the books, records or other documents of the trade, calling, business or occupation.
22. No person who is licensed or required to be licensed, shall hinder or obstruct inspections referred to in this section, or cause the inspections to be hindered or obstructed.
23. Every person who obtains a license under this By-law shall produce the license when requested to do so by a Municipal law Enforcement Officer or a Police Officer.

## REVOCATION AND SUSPENSION

24. a) Where the Chief Building Official refuses to issue, suspends, or revokes a licence, the procedure as set out in By-law # 204-2005 (A By-law Respecting Appeal Procedure for Municipal Licensing) shall be followed.
- b) Upon suspension or revocation of a license issued under this By-law, the licensee shall return to the Corporation all licenses and all plates where applicably issued by the Council with reference to such license, and the person authorized by Council shall have access to any premises, vehicle or other property for the purpose of receiving or taking the plates, and no person shall refuse to deliver the plates to such persons authorized by the Council or shall, in any way, prevent or hinder such persons from receiving or taking the same.

## REGULATIONS

25. a) There shall be taken out by every person carrying on or engaged in or intending to carry on or engage in the business of operator/owner of an adult entertainment establishment or travelling adult entertainment show, a license from the Corporation authorizing them respectively to carry on their respective businesses in the City of Cornwall, for which license the person obtaining the same shall pay at the time of taking out such license the fee set out in the Business Licensing Fees By-law.
- b) There shall be taken out by every person carrying on or intending to carry or engage in the business of an attendant or adult entertainment performer in an adult entertainment establishment or travelling adult entertainment show,, a license from the Corporation authorizing them respectively to carry on their respective businesses in the city of Cornwall, for which license the person obtaining the same shall pay at the time of taking out such license the fee set out in the Business Licensing Fee By-law. The license shall be valid for one year from date of issue.
- c)
26. No person shall, in the city of Cornwall, act as the owner or operator of an adult entertainment establishment, or attendant or adult establishment performer, carry on or engage in any such business, until he/she or it has procured such license to do so, which license is valid and subsisting.
27. No person shall, in the City of Cornwall, except under the authority granted by a licensed issued under this By-law, engage in or carry on business as an owner/ operator of an adult entertainment establishment.
- a) A separate license shall be required in respect of each premise,

- a) A separate license shall be required in respect of each premise, building, or place used as or for the purpose of an adult entertainment establishment.
  - b) A separate owner's license shall be taken out in respect of each adult entertainment establishment.
28. For the purposes of this By-law, the locational criteria for the siting of an adult entertainment establishment are only as follows:
- a) The CH (Highway Commercial) zone (as per the City Zoning By-law as amended) on the :
    - (i) West side of Brookdale from Eleventh Street to Fourteenth Street,
    - (ii) South side of Vincent Massey Drive from Fourteenth Street to Tollgate Road.
  - b) An Adult entertainment establishment is only permitted if it is located in the above area and has:
    - (i) a separation distance of 150 metres to any residential uses,
    - (ii) a separation distance of 300 metres between other adult entertainment establishment.
  - c) "Travelling Adult Entertainment Show" which does not exceed seven (7) days in duration is only allowed in the locations described under subsection (a) and (b).

#### APPROVALS

29. a) The issuance of a Adult Entertainment Establishment license, upon its initial license shall be subject to the written approvals of the following:
1. Chief Building Official or Designate ;
  2. Plumbing Inspector;
  3. Zoning Administrator;
  4. Chief Police Official or Designate;
  5. Municipal By-law Enforcement Officer;
- b) Subject to a renewal license, and every one (1) year thereon, the licensee shall be required to obtain further approvals from the following:
- (i) Chief Building Official or designate;
  - (ii) Fire Prevention Officer;
  - (iii) Chief Police Official or Designate;
  - (iv) Municipal By-law Enforcement Officer.

## SIGNAGE

30. a) No owner/operator of an adult entertainment establishment shall place or permit to be placed any sign or other advertising device within the City that includes any of the following words: 'nude', 'naked', 'topless', 'bottomless', 'sexy', or any other word of any picture, symbol or representation having like meaning or implication.
- b) Portable signs shall not be permitted in conjunction with an adult entertainment establishment.
- c) In addition to normal By-law regulations pertaining to signs, the following provisions shall apply to adult entertainment establishment signs;
- (i) only facia signs shall be permitted and the signs for the adult entertainment establishment must be on a part of the building containing the adult entertainment establishment.
  - (ii) permitted signs shall contain the establishment name only, and no picture or symbols shall be allowed.
- d) All signage shall comply with the City of Cornwall Signs By-law.

## ADDITIONAL APPLICATION FOR ADULT ENTERTAINMENT ESTABLISHMENTS

31. A person may apply to the Chief Building Official of the City of Cornwall for a license granting authority to such person to be engaged in or carry on as the owner/operator of an adult entertainment establishment.
32. Every person applying for a license under Section 2 of these Regulations, shall complete and execute an application form provided, containing the following information:
- a) name and address of applicant and his/her date of birth;
  - b) name and address of the individual signing the application form, and of the intended licensee, if not already provided in the application form;
  - c) name and address of the owner of any building, premises, or place upon, in or from which any business is to be carried on pursuant to the license applied for;
  - d) any business name to be used in relation to the business;

- e) telephone number of business;
- f) nature of the class of business to be carried on pursuant to the license, in accordance with the provisions of this By-law;
- g) on every application by an individual person for an owner/operator license, the applicant shall attend in person and not by an agent at the City Hall and shall complete the prescribed forms and shall furnish to the Chief Building Official or designate such information as the Chief Building Official or designate may direct;
- h) every applicant for an owner's license shall, at the time of making his application, file with the Chief Building Official or designate, a list showing the names of all operators and all such persons intended or expected by him/her to be employed in his/her adult entertainment establishment and shall thereafter maintain an up-to-date list of all operators and employees and submit the up-dated list whenever there is a change in an operator or an employee;
- i) every applicant for an owner's license shall submit with his/her application two passport-size photographs of his/her face, one of which photographs shall be attached to the license, and the other shall be filed with the Chief Building Official or designate and upon application for renewal, the applicant shall furnish new photographs if required to do so by the Chief Building Official or his designate;
- j) every applicant and every partner shall file with the Chief Building Official or designate, proof of age by producing the original and copy to be retained by the City of Cornwall, of either a Birth Certificate, photo license, passport or social insurance card and no such license shall be issued unless the Chief Building Official or designate, is satisfied that every such person is of the full age of 18 years. Further, every applicant shall set out completely all permanent as well as temporary residences;
- k) upon every application for an owner/operator's license by an individual or corporation, the application shall state:
  - (i) If the applicant is an individual, the 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 Corporation.
- l) particulars of the class and status of any license issued to or required to be obtained by the applicant or any other person under the Liquor License Act, in respect of any building, premises or place, in or at which the business activity for which the license is sought if to be carried on or engaged in by the applicant;

- m) any other information relevant to the application or the business to which the application relates, as may be required by the City of Cornwall;
- n) every individual form filed under this section shall be signed by the applicant, if an individual, or in the case of a partnership or corporation, a partner or officer respectively, having the authority to make the application on behalf of the applicant and to bind the partnership or corporation respectively, and such form shall include a declaration executed by such person attesting to the truth of the information provided on the application form.
- o) where the applicant is a corporation or partnership, the applicant shall provide, on the application form, such information relating to the corporation or partnership, respectively, as may be required, and without limiting the generality of the foregoing, such information shall include the following:
  - a) **where the applicant is a partnership**, the names and address of all of the partners;
  - b) **where the applicant is a corporation**, the names and address of all officers and directors of the corporation, and a list showing the name and address of every shareholder of the corporation holding more than 10% of the equity shares of the corporation.
  - c) a list showing the name and address of every person having a beneficial interest in the business of the applicant;
  - d) the name and address of every person having responsibility for the management of operation of the business of the applicant.
- p) where more than 10% of the equity shares in a corporation applying for a license are held by another corporation, the applicant shall include in the application form such information pertaining to that operation similar to that required for the applicant, and the requirements of this subsection shall also apply to that corporation, and so on until the names and address of all individuals who are shareholders of more than 10% of the equity shares of any and all such corporation having an interest, direct or indirect, in the shares of the applicant corporation, are shown.
- q) the requirements of this By-law with respect to an application for a license shall apply as well to an application for a renewal of a license or for a new license to replace a license previously terminated.
- r) it is the purpose of the Council in obtaining the information required to be submitted by this By-law in an application for a license, to make such information available to the public, but no personal information relating to an individual shall be disclosed to the public except in accordance

with other laws.

- s) every individual applying for or holding a license under this By-law or engaging in or carrying on any business to which this By-law relates, shall use his/her own legal name in making such application and holding such license, and no such license shall be issued to any individual in any name other than his/her own legal name.
- t) a separate owner's license shall be taken out in respect of each adult entertainment establishment.
- u) any other information relevant to the application or the business to which the application relates, as may be required by the City of Cornwall.

### **ADDITIONAL APPLICATIONS FOR ATTENDANTS AND PERFORMERS**

33. Every person applying for a license under Section 2 of these regulations, shall complete and execute an application form provided, containing the following information:
- a) name and address of applicant and his/her date of birth;
  - b) name and address of the individual signing the application for, and of the intended licensee, if not already provided in the application form;
  - c) name and address of the owner of any building, premises, or place upon, in or from which any business is to be carried on pursuant to the license applied for;
  - d) any business name and telephone number to be used in relation to the business if different from the name of the applicant;
  - e) telephone number of the business;
  - f) nature of the class of business to be carried on pursuant to the license, in accordance with the provisions of this By-law;
  - g) the applicant will be required to provide a clearance letter which will be issued by the Cornwall Community Police Service in order to be able to obtain a license;
  - h) on every application by an individual person for attendant or adult entertainment performer license or for the renewal thereof, the applicant shall attend in person and not by an agent at the City Hall and shall complete the prescribed forms and shall furnish to the Chief Building Official or designate such information as the Chief Building Official or

designate may direct including, but not limited to that of subsection (g);

- i) every applicant for an attendant's license shall submit two passport-size photographs of his/her face, one of which photographs shall be attached to the license, and the other shall be filed with the Chief Building Official or designate and upon application for renewal of any license, the applicant shall furnish new photographs if required so to do by the Chief Building Official or designate;
- j) every applicant shall file with the Chief Building Official or designate, proof of age by means of producing a certificate of proof of age relating to such individual, an shall include in the application form the individual's name, the number and description of such certificate, and any age or date of birth show on it. Further, every applicant shall set out completely all permanent as well as temporary residences;
- k) the requirements of this By-law with respect to an application for a license shall apply as well to an application for a renewal of a license or for a new license to replace a license previously terminated;
- l) any other information relevant to the application or the business to which the application relates, as may be required by the City of Cornwall.

#### **HOURS OF OPERATION**

- 34. a) No owner or operator shall, in respect of an adult entertainment establishment owned or operated by such person, open the adult entertainment establishment for business or permit the same to be or to remain open for business or permit any services of any kind to be provided in the said adult entertainment establishment at any time from the hours of 1:00 o'clock in the forenoon of any day to 12:00 o'clock noon of the same day.
- b) During the hours of business of an adult entertainment establishment, it shall be the responsibility of the owner/operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment establishment shall be kept unlocked.
- c) Either, the owner or and operator licensed in respect of such owner's adult entertainment establishment shall be in attendance at such owner's adult entertainment establishment at all times while the business is in operation as per subsection (a) and no owner shall permit an adult entertainment establishment owned or operated by him to open for business, or remain open for business, or any attendant to enter or remain therein, or any services to be provided at such entertainment establishment unless this subsection is complied with.

- c) For the purposes of this section, so long as the time commonly observed in the City is one hour in advance of standard time, the times mentioned in this section and in this schedule shall be reckoned in accordance with the time commonly observed and not standard time.

#### **ADDITIONAL GRANTING AND REFUSAL OF LICENSE**

- 35. An applicant for a license under this By-law is entitled to be issued such license unless:
  - a) Having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business.
  - b) The past or present conduct of any person referred to in Section 6 affords reasonable grounds for belief that the applicant will not carry on the business in accordance with the law and with integrity and honesty.
  - c) The applicant, or any other person making an application or providing information in support thereof on behalf of an applicant, makes false statements or provides false information in an application under this By-law.
  - d) Activities being carried on by the applicant, or to be carried on pursuant to the license sought are, or will be, in contravention of this By-law or any other law.
  - e) The premises, accommodation, equipment or facilities in respect of which the license is to be issued, are not, or will not be, in compliance with this By-law or any other law;
  - f) The applicant, where an individual, is under the age of eighteen (18) years.
- 36. The Licensing Office of the Corporation of the City of Cornwall shall make such investigations or inquiries with respect to any application for a license under this Schedule, as he/she may see fit, and may obtain such information relevant to such application as he/she feels may be warranted, and may, where there do not appear to be grounds, pursuant to which the Council might refuse to issue a license pursuant to the criteria referred to in Section 9 and 10, issue such license in accordance with this By-law.
- 37. Where the investigation or any other information available discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a license on any grounds referred to in this Schedule, or by reason of any other provision of this By-law or applicable law, the matter shall be referred to the Council, or relevant committee of Council, which shall provide the applicant an

opportunity for a hearing with respect to the application, as required by law.

38. It shall be a condition of every license that the licensee shall, in carrying on the business, comply with the provisions of this By-law and ensure such compliance by every other person involved in the carrying on of such business.
39. The Council may issue a license under this Schedule also conditional upon compliance with such other terms and conditions as the Council may impose and the licensee accept.
40. No person shall be deemed to be licensed to carry on a business under this By-law until the fee required by this By-law has been paid and the document forming evidence of such license has been issued and delivered to the licensee.
41. Every license shall be issued for a term as provided in this Schedule, subject to revocation or other termination, or for a part of a term expiring, unless sooner revoked or otherwise, terminated, upon the expiry date prescribed by this Schedule.

**ADDITIONAL REVOCATION OF LICENSE** (See General Provisions)

42. Where an enforcement officer has reasonable grounds to believe that any person has contravened any provision of this By-law, or any other law, including the Criminal Code, involving an individual under the age of 18 years in or at an adult entertainment establishment, such enforcement officer shall, in addition to commencing any prosecution based upon such grounds, provide a report in writing to the Council, who may hold a hearing to consider whether or not the license of any person who or which owns or operates such adult entertainment establishment, should be revoked.
43. Where the Council or relevant committee concludes, after a hearing, that an individual under the age of 18 years has been found at or in an Adult Entertainment Establishment, such conclusion may, in the discretion of the Council, acting according to law, constitute grounds for the revocation of the license of the owner or operator of such Adult Entertainment Establishment..
44.
  - a) No owner of an Adult Entertainment Establishment shall permit any person other than a licensed operator to operate such entertainment establishment.
  - b) No person not being the owner of an Adult Entertainment Establishment shall operate the Adult Entertainment Establishment unless the owner of the Adult Entertainment Establishment is licensed as the owner under this Schedule.
45. No licensee or other person required to be licensed under this By-law shall, in carrying on the business in respect of which such license is required, employ or use the services of any person required to be licensed under this Schedule or any other law, unless such person is so licensed.

46. No person shall enjoy a vested right in the continuance of a license, except as provided in this By-law and, whether issued, renewed, expired, revoked or otherwise terminated, the license and any value of such license shall continue to be the property of the Corporation.
47. Every person licensed or required to be licensed under this By-law shall in the carrying on of the business in respect of which such license is required, ensure compliance with the provisions of this By-law by all persons involved in the carrying on of such business, and no such person shall permit any person employed by such person or otherwise involved in the carrying on of the business, to do so other than in compliance with this By-law.
48. No license issued under this By-law shall authorize any persons to carry on a business or engage in any other activity, in contravention of any other law.
49. No owner or operator of an Adult Entertainment Establishment or any other person carrying on or engaged in any business for which a license is required under the Municipal Act, R.S.O., 2001.
  - a) shall permit any individual under the age of eighteen (18) years to enter or remain in the Adult Entertainment Establishment or any part thereof;
  - b) shall permit any individual under the age of eighteen (18) years to act or appear as an Adult Entertainment performer or to provide services, at an Adult Entertainment Establishment;
50. No individual under the age of eighteen (18) years shall act or perform as an Adult Entertainment performer or attendant at any Adult Entertainment Establishment.
51. Every owner and every operator of an Adult Entertainment Establishment, and every other person engaged in or carrying on any business for which a license is required under this Schedule, shall, before employing or permitting any individual to act or appear as an Adult Entertainment performer, require such individual to produce a certificate of proof of age relating to such individual, and shall record the name of the individual, the number and description of such certificate, and any age or date of birth shown on such certificate, and maintain such record, available for inspection by any enforcement officer.
52. Every Adult Entertainment performer or attendant shall, while in attendance at any Adult Entertainment Establishment, carry his/her certificate of proof of age at all times or have it readily available, and shall comply with a request by an enforcement officer who requests it.
53. Every owner and every operator of an Adult Entertainment Establishment, and every other person required by this Schedule to record information from a

certificate of proof of age, shall provide such information to any enforcement officer who requests it.

54. For the purpose of this By-law, no individual shall present as evidence of his/her age any certificate or other document that was not lawfully issued to him/her, or that does not refer to him/her by his/her legal name.
55. No person carrying on or engaged in any business to which this schedule relates shall give or provide any false or intentionally misleading recital of fact, statement or representation, orally or in writing, to the Council, any committee, or Council, the Corporation of the City of Cornwall's Licensing Department, or any enforcement officer.
56. Every person shall comply with the provisions of this By-law applicable to him/her whether or not licensed or required to be licensed under any law.
57. Every applicant and every other person licensed or required to be licensed under this Schedule, shall comply with every provision, regulation and requirement contained in this By-law relating to such person and such business whether or not such person is licensed or whether or not a license issued to such person is valid and subsisting.
58. No owner or operator, shall in respect of any Adult Entertainment Establishment owned or operated by him, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have any physical contact with, any other person in any manner whatsoever involving any part of that person's body.
59. No attendant shall, while providing services as an attendant, touch or have physical contact with any other person in any manner whatsoever involving any part of the person's body.
60. 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/her Adult Entertainment Establishment or to provide services in his/her Adult Entertainment Establishment.
61. No attendant or other person shall provide services in any Adult Entertainment Establishment unless the owner of the said Adult Entertainment Establishment and the operator, if any, is duly licensed as owner or operator respectively under this By-law.
62. Every owner, operator or attendant shall post up their license in a conspicuous place viewable to the public in the Adult Entertainment Establishment.
63. No owner or operator shall permit the provision of services designed to appeal to erotic or sexual appetites or inclinations upon or at the Adult Entertainment Establishment owned or operated respectively by such person, by any individual

other than a licensed Adult Entertainment performer.

64. Every owner, operator or attendant who changes his/her address shall, within two days after such change, attend at the City of Cornwall and notify the Chief Building Official or designate, of such change of address and produce his license for the change to be entered thereon.
65. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required shall be deemed a violation of the provisions of this By-law.
66. Every owner/operator who operates his/her own Adult Entertainment Establishment and every operator shall, in the operation of the Adult Entertainment Establishment comply with, and ensure compliance with, the following regulations:
  - a) The premises shall be provided with adequate light and ventilation;
  - b) The premises and all fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;
  - c) The premises shall be equipped with an effective utility sink;
  - d) Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females;
  - e) Washrooms shall be equipped with
    - (i) an adequate supply of hot and cold water;
    - (ii) an adequate supply of liquid soap container or dispenser;
    - (iii) hot air dryers or individual clean towels for the use of each person using the washing facilities;
    - (iv) a suitable receptacle for used towels and waste material.
  - f) No washroom, sink, toilet or basin used for domestic purposes shall be used in connection with an Adult Entertainment Establishment.
  - g) In all shower-bath rooms, if any, and in all sauna bath-rooms, if any:
    - (i) the floors shall be disinfected at least once a week with a disinfecting solution approved by the Board of Health;
    - (ii) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
    - (iii) all showers must have removable cleanable drain covers;
    - (iv) floor surfaces both within and without the enclosures shall be of

a non-slip type;

- h) Common foot baths shall not be provided on the premises.
  - i) All services provided by an attendant shall be provided within view of the main stage without obstruction of walls, curtains or any other enclosure.
67. a) No owner or operator shall permit any services to be given, performed, provided or received in an Adult Entertainment Establishment in breach of the regulations contained in this By-law or any other law.
- b) No attendant shall provide any service in an adult entertainment establishment in breach of this By-law or any other law.
68. Every owner, operator and attendant providing services at an Adult Entertainment Establishment or in attendance at an Adult Entertainment Establishment in pursuance of a trade, calling, business or occupation carried on by the owner, or operator of such Adult Entertainment Establishment, shall, upon a request made to him by a Peace Officer, By-law Enforcement Officer, Board of Health Officer, provide his/her name and residential address, and if he is licensed under this By-law in respect of any trade, calling, business or occupation relating to such Adult Entertainment Establishment, he/she shall produce his/her license.
69. No owner or operator shall, in respect of any Adult Entertainment Establishment owned or operated by him/her, permit any attendant to sit, or rest on, or touch or be touched by or make physical contact with the breast, buttocks, genital or pubic areas of any other person or have sexual contact with any person.
70. No attendant, while providing services as an attendant, shall allow any other person to touch, kiss or make any physical contact with their breast, buttocks, genital or pubic areas or have sexual contact with any person.
71. No owner or operator shall permit any person under the age of eighteen to enter or remain in any Adult Entertainment Establishment owned or operated by him/her.
72. No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any Adult Entertainment Establishment by him/her.
73. No owner's license shall be transferred, and if an owner sells, leases or otherwise disposes of his Adult Entertainment Establishment or the premises or part thereof upon or in which an Adult Entertainment Establishment is operated, to any person, his license in respect of such Adult Entertainment Establishment or premises shall, notwithstanding any other provision of this By-law terminate. The Chief Building Official or designate may in his/her discretion issue a new owner's license to the purchaser, lessee or other person obtaining an interest in an Adult Entertainment Establishment of the premises or part

thereof upon or in which an Adult Entertainment Establishment has been operated subject also to the following conditions:

- a) That the new applicant qualify under all of the other provisions of this By-law, and that he/she comply with all of the requirements of this By-law relating to him:
  - b) That the new applicant file with the Chief Building Official or designate, the documents relating to the ownership and to his/her right to possess or occupy the Adult Entertainment Establishment.
74. Upon the sale, lease or other disposition of an Adult Entertainment Establishment, every operator's license issued in respect of such Adult Entertainment Establishment shall terminate, and the Chief Building Official or designate, may, subject to the provisions of this By-law, permit the purchaser, lessee or other person obtaining an interest in such Adult Entertainment Establishment to operate the Adult Entertainment Establishment by an endorsement to that effect upon an owner's license issued to him or may issue a new operator's license to any person previously licensed as an operator in respect of such Adult Entertainment Establishment.
75. Every owner who operates his/her Adult Entertainment Establishment 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 Establishment operated by him, which books shall give the amount of gross receipts for all services provided in the said Adult Entertainment Establishment, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in, such Adult Entertainment Establishment, the name and license number of every attendant providing services in the said Adult Entertainment Establishment including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each attendant 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 Establishment or Adult Entertainment business.
76. Every owner to whom Section 54 relates and every operator shall keep such books and records as are required by that Section is entered therein, and the Chief Building Official or designate, or any person duly authorized by it shall at all times have access to such records.
77. Subject to this By-law, before there is carried on in any Adult Entertainment Establishment any business, trade, calling or occupation for which a license is otherwise required by this By-law, the owner of the said Adult Entertainment Establishment shall attend the City of Cornwall and shall apply to have his/her license endorsed to permit such trade, calling, business or occupation to be carried on in such Adult Entertainment Establishment, and if the Chief Building Official or designate, authorizes such endorsement, the said owner shall pay

the license fee, if any, required of him/her by the By-law for such a license.

78. No owner or operator shall permit any trade, calling, business or occupation for which a license is required under this By-law, to be carried on in an Adult Entertainment Establishment owned or operated by him unless a description of the said trade, calling, business or occupation is endorsed on the owner's license as provided in this By-law and unless the owner and every other person required to be licensed has paid the license fee applicable to him/her.
79. Every person shall in carrying on or permitting the carrying on of any trade, calling, business or occupation in an Adult Entertainment Establishment comply with all of the requirements of the By-law relating thereto, including the requirement of license, if any.
80. Notwithstanding any provision in this schedule, nothing herein permits the contravention of any provision in this By-law or in any other By-law of this Council or of the Council of the City of Cornwall or any other requirements imposed by law.

#### PENALTY

81. 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 concerns in such a contravention is guilty of an offense 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.
82. Where a provision of this By-law conflicts with a provision of another By-law in force in the City of Cornwall, provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
83. A Municipal Law Enforcement Officer or a Cornwall Police Services Officer of the Corporation of the City of Cornwall may enforce the provisions of this By-law.
84. It is the declared intention of the Council of the Corporation of the City of Cornwall that any section or part of a section of this By-law which may subsequently be held to be illegal shall be severable from the remainder of

the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.

85. That By-law #111-1998 and #143-2002 and all other By-laws or parts of By-laws inconsistent with this By-law are hereby repealed. All licenses previously issued shall, during the period for which the same have been issued, remain in full force and effect, unless for other reasons the same are forfeited or revoked.
86. This By-law shall come into force and take effect on January 1, 2006.

Read a first, second and third time, signed and sealed, in open Council, this 14th day of November, 2005.

  
DENISE LABELLE-GÉLINAS  
CITY CLERK

  
MAYOR PHIL POIRIER

**ATTACHMENT "A"**

**The Corporation of the City of Cornwall  
#203-2005**

A to Establish Licence Fees  
for the City of Cornwall

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**WHEREAS** Section 150 of the Municipal Act 2001 permits municipalities to license, regulate and govern any business wholly or partly carried on within the municipality;

**WHEREAS** except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes - health and safety, nuisance control, consumer protection;

**WHEREAS** a licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason related to the purposed under the Municipal Act, 2001, Section 150, subsection (2);

**WHEREAS** it has been determined that it is appropriate to license, regulated and govern certain businesses for the purpose of:

- Health and Safety - being an activity or undertaking that could result in hazardous conditions, injury or loss, and/or
- Nuisance control - being an activity that adversely affects, or could possibly adversely affect, the 'quality of life' of any person(s), and/or,
- Consumer protection - being the prevention of unfair or potentially unfair business practice(s) that could result in loss(es) on the part of the consumer;

**WHEREAS** the report of the Chief Building Office dated October 17, 2005 includes an explanation as to the reason the municipality is licensing or imposing the conditions and how that reason related to the purposes under the Municipal Act, 2001, Section 150, subsection (2);

**WHEREAS** it has been determined that it is appropriate to license, regulate and govern businesses for the purposes and reasons as contained in Appendix 1 attached hereto;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:**

1. No person may carry on those business included in Appendix 1 attached hereto in the City of Cornwall without application for, obtaining and maintaining in good standing a licence, pursuant to the terms of the specific .
2. The fees for individual businesses, owners, operators and attendants are listed in Appendix 1 attached hereto.
3. This will take effect and come into force on January 1, 2006 and remain in force until December 31, 2010.

Read a first, second and third time, signed and sealed, in open Council, this 14th day of November, 2005.

  
**DENISE LABELLE-GÉLINAS**  
CITY CLERK

  
**MAYOR PHIL POIRIER**

**APPENDIX I**

**PROPOSED LICENSING S AND FEES**

Licensing	Initial Description	Purpose for Licence	Additional Information	Initial Fee	Renewal Fee	Renewal Fee after May 1st
Adult Entertainment Attendant	License & Regulate	- Health & Safety - Nuisance		\$ 100.00	<b>SAME AS</b>	<b>INITIAL</b>
Adult Entertainment Establishment	License & Regulate	- Health & Safety - Nuisance	Owner/Operator (includes travelling shows )	\$ 1,400.00	\$ 1,200.00	\$ 1,250.00
Adult Entertainment Retail	Sale of Goods	- Health & Safety - Nuisance		\$ 300.00	\$ 200.00	\$ 215.00
Amusement Exhibition	License & Inspect	- Health & Safety - Nuisance	Tent	\$ 180.00	<b>SAME AS</b>	<b>INITIAL</b>
			Open Air	\$ 132.00	<b>SAME AS</b>	<b>INITIAL</b>
Amusement Place	License & Inspect	- Health & Safety - Nuisance		\$ 220.00	\$ 45.00	\$ 60.00
Auctioneer	License & Regulate	- Consumer Protection		\$ 15.00	<b>SAME AS</b>	<b>INITIAL</b>
Auto Repair & Public Garages	License & Inspect	- Health & Safety - Nuisance		\$ 150.00	\$ 41.00	\$ 56.00
Bed & Breakfast	License & Inspect	- Health & Safety - Nuisance		\$ 150.00	\$ 60.00	\$ 75.00
Body Rub Parlour	License & Inspect	- Health & Safety - Nuisance	Owner/Operator	\$ 1,400.00	\$ 1,200.00	\$ 1,250.00
			Attendant	\$ 60.00	<b>SAME AS</b>	<b>INITIAL</b>
Christmas Tree Vendor	License & Inspect	- Health & Safety - Nuisance		\$ 35.00	<b>SAME AS</b>	<b>INITIAL</b>
Dry Cleaning Depot	License & Inspect	- Health & Safety		\$ 60.00	\$ 35.00	\$ 50.00

Licensing	Initial Description	Purpose for Licence	Additional Information	Initial Fee	Renewal Fee	Renewal Fee after May 1st
Eating Establishment	License & Inspect	- Health & Safety		\$ 140.00	\$ 37.00	\$ 52.00
Escort Service & Escort Attendant	License & Regulate	- Health & Safety - Nuisance	Owner/Operator	\$ 1,400.00	\$ 1,200.00	\$ 1,250.00
			Attendant	\$ 50.00	<b>SAME AS</b>	<b>INITIAL</b>
Food Premises	License & Inspect	- Health & Safety		\$ 30.00	\$ 26.00	\$ 41.00
Hair Dressing Establishment	License & Inspect	- Health & Safety	First Chair	\$ 95.00	\$ 20.00	\$ 35.00
			Additional Chair	\$ 10.00	\$ 10.00	\$ 11.00
<b>NOTE:</b> If this license is combined with a "Personal Facility" license, then only half of this fee shall be paid for both initial and renewal licenses.						
Hobby Exhibition	License & Inspect	- Health & Safety - Consumer Protection	Tent - Open Air	\$ 40.00	<b>SAME AS</b>	<b>INITIAL</b>
			Indoor	\$ 38.00	<b>SAME AS</b>	<b>INITIAL</b>
Holistic Practitioners	License & Inspect	- Health & Safety		\$ 100.00	\$ 60.00	\$ 75.00
Mobile Food Premises	License & Inspect	- Health & Safety - Nuisance	Canteen & Chip Truck	\$ 130.00	<b>SAME AS</b>	<b>INITIAL</b>
			Hot Dogs	\$ 85.00	<b>SAME AS</b>	<b>INITIAL</b>
			Ice Cream Wagon	\$ 85.00	<b>SAME AS</b>	<b>INITIAL</b>
Pawnbroker	License & Inspect	- Health & Safety - Consumer Protection		\$ 200.00	\$ 115.00	\$ 130.00
Personal Service Facility	License & Inspect	- Health & Safety - Consumer Protection		\$ 80.00	\$ 30.00	\$ 45.00

Licensing	Initial Description	Purpose for Licence	Additional Information	Initial Fee	Renewal Fee	Renewal Fee after May 1st
Pet Stores	License & Regulate	- Health & Safety		\$ 70.00	\$ 30.00	\$ 45.00
Recycling Facility	License & Inspect	- Health & Safety - Nuisance - Consumer Protection		\$ 135.00	\$ 35.00	\$ 50.00
Rickshaw	License & Regulate	- Health & Safety - Consumer Protection		\$ 20.00	<b>SAME AS</b>	<b>INITIAL</b>
Salesperson (resident)	License & Regulate	- Health & Safety - Consumer Protection	Stationary	\$ 110.00	<b>SAME AS</b>	<b>INITIAL</b>
Salesperson (non-resident)	License & Regulate	- Health & Safety - Consumer Protection	Place to Place	\$ 50.00	<b>SAME AS</b>	<b>INITIAL</b>
Salesperson (non-resident)	License & Regulate	- Health & Safety - Consumer Protection	Place to Place	\$ 160.00	<b>SAME AS</b>	<b>INITIAL</b>
Salesperson (non-resident)	License & Regulate	Health & Safety - Consumer Protection	30 Day - Stationary New Business	\$ 130.00	<b>SAME AS</b>	<b>INITIAL</b>
Seasonal Stationary Food Premises	License & Inspect	- Health & Safety		\$ 175.00	\$ 135.00	\$ 150.00
Second Hand Goods	License & Inspect	-Health& Safety - Consumer Protection		\$ 175.00	\$ 150.00	\$ 165.00
Tobacco	License & Inspect	- Health & Safety - Consumer Protection		\$ 40.00	<b>SAME AS</b>	<b>INITIAL</b>
Transient Photographer	License & Regulate	- Consumer Protection		\$ 100.00	<b>SAME AS</b>	<b>INITIAL</b>

**ATTACHMENT "B"**

**The Corporation of the City of Cornwall  
By-law #204-2005**

Respecting Appeal Procedure  
for Municipal Licensing under Section 150  
of the Municipal Act

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**WHEREAS** Section 150 of the Municipal Act 2001 authorizes Council to pass By-laws for licensing, regulating, and governing local business.

**AND WHEREAS** Section 150 of the Act authorizes Council to pass By-laws for the licensing, regulating, governing, and classifying various classes of business through various By-laws under this section.

**AND WHEREAS** the Corporation of the City of Cornwall deems it advisable to set out an appeal procedure when the Chief Building Official refuses to issue, suspends, or revokes a license of By-laws passed under Section 150 of the Municipal Act.

**NOW THEREFORE** the Council of the Corporation of the City of Cornwall enacts as follows:

**NOTICE AND APPEAL PROCEDURE  
FOR MUNICIPAL LICENSING**

**DEFINITIONS:** for the purpose of this By-law the following term is defined as follows:

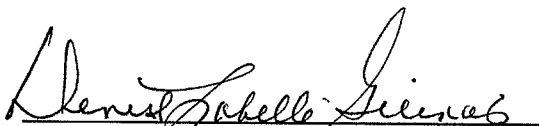
**Council.** - shall mean Council of the City of Cornwall.

1. Where the Chief Building Official refuses to issue, suspends, or revokes a license, the said Chief Building Official shall notify the applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said license is refused and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality within fifteen (15) days as set out in this By-law.
2. Where the Chief Building Official refuses to grant a license, suspends, or revokes a license under this By-law the Applicant or Licensee may appeal this decision to the Council of the Corporation by filing with the Clerk an appeal, in writing, of the said decision within (15) fifteen days of being notified of the decision of the Issuer of Licenses.
3. Upon receipt of an appeal from the applicant, the Clerk and Council shall follow the procedure set out in this By-law.

4. The Council of the Corporation may, after the appropriate hearing is conducted, grant a license, refuse to grant a license, revoke a license, or suspend a license and may make any suspension of license subject to such terms or conditions as Council may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any licensee.
5. Council, in considering whether or not to grant a license, refuse to grant a license, or to revoke or suspend a license shall have regard to the following:
  - a) whether or not the Applicant or Licensee and the premise, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed, pursuant to this By-law, complies with all requirements of this By-law;
  - b) whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this By-law or has committed past breaches of this By-law;
  - c) whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable By-law of the City of any Local Board thereof or of any statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
  - d) whether or not the Applicant or Licensee has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this By-law;
  - e) whether or not the applicant/licensee or his tenant has any outstanding taxes owing to the City of Cornwall in respect of the business or premise in question.
6. Council shall comply with the following procedure in granting a license, refusing to grant a license, revoking or suspending any license issued under this By-law;
  - a) where Council wishes to consider whether or not to issue a license or to refuse to grant a license or to suspend or revoke a license issued under this By-law, the Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the Licensee (at his last address as shown in the records of the Chief Building Official or the current year's Assessment Roll) and to any other person who has applied to be heard with regard to the matter;
  - b) such Notice shall be mailed at least (15) fifteen days prior to the date and time fixed for such hearing;
  - c) at such hearing, Council shall receive a report, either verbally or in writing, from the Chief Building Official and from such other officers or employees of the Corporation who may be involved in the matter being considered by Council;

- d) at the hearing before Council, the Licensee, either personally or through his agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before Council as he may deem expedient and he may ask questions of any person presenting evidence or a report to Council relevant to the said issue.
7. Council may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the said issues;
  8. Council may, after having heard all of the evidence and submissions made to it by the Applicant/Licensee, and the Chief Building Official resolve into the Committee of the Whole, to debate the matter and to reach its decision.
  9. The decision made by Council sitting as the Committee of the Whole shall be confirmed in open Council by Resolution immediately following the meeting of the Committee of the Whole and a certified copy of such Resolution and reasons shall be mailed to the Licensee, to any person who has appeared before Council and requested that a copy of the Resolution be provided to them, and to the Chief Building Official.
  10. The decision of Council to keep a license, refuse to issue a license, revoke a license or suspend a license may be subject to such terms as Council shall impose and shall be final.
  11. No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a business for which a license is required under the By-law while such license is suspended or revoked under the provisions of this By-law.

Read a first, second and third time, signed and sealed, in open Council, this 14th day of November, 2005.

  
DENISE LABELLE-GÉLINAS  
CITY CLERK

  
MAYOR PHIL POIRIER