

SCHEDULE 1
To City of Guelph By-law Number (2009)-18855

ADULT ENTERTAINMENT ESTABLISHMENT

The provisions of this Schedule shall apply in respect of Adult Entertainment Establishments and Adult Entertainment Retail Establishment.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings;
 - (a) "Adult Entertainment Establishment" – means any Premises wherein is Provided, in pursuance of a Business, any Service designed to appeal to erotic or sexual appetites or inclinations;
 - (b) "Adult Entertainment Retail Establishment" – means any Premises wherein is Provided, in pursuance of a Business, any Good designed to appeal to erotic or sexual appetites or inclinations;
 - (c) "Designated Area" – means any part of a Premises or all of the Premises set aside exclusively for the display of Goods appealing to, or designed to appeal to erotic or sexual appetites, which are displayed or offered for sale to the public;
 - (d) "Partially Nude" – means clothed in a manner that leaves any portion of a female person's breasts or any person's pubic, genital, perineal, perianal areas or buttocks visible to any person through less than fully opaque clothing, and "Partial Nudity" shall have a corresponding meaning;
 - (e) "Performer" means any Person who through performing or through being the subject of exhibition, viewing or encounter provides Services designed to appeal to erotic or sexual appetites or inclinations, and "Perform" and "Performing" shall have corresponding meanings; and
 - (f) "Specified body areas" means any one or more of the following:
 - (i) in the case of a female person, her breasts; and
 - (ii) in the case of all persons, the genitals and the anus;
 - (g) "Specified sexual activities" means one or more of the following: actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse and oral sexual intercourse, direct physical stimulation of clothed or unclothed specified body areas and flagellation, mutilation, maiming, murder or torture in the context of a sexual relationship or activity;

APPLICATION FOR BUSINESS LICENCE

2.
 - (a) There shall be a maximum of two Adult Entertainment Establishment Business Licences issued by the City.
 - (b) Any Person who carries on the Business of an Adult Entertainment Establishment and an Adult Entertainment Retail Establishment, in the same Premises, shall be required to obtain both Business Licences, but shall pay only the greater of the fees as between the two categories of Businesses, with respect to both inspection fees and licence application fees.

CONDITIONS

ADULT ENTERTAINMENT ESTABLISHMENT

3. Every Adult Entertainment Establishment Licencee shall ensure that:
 - (a) no Person under the age of 18 years is permitted entry into the Adult Entertainment Establishment;
 - (b) no Person may view the inside of the Adult Entertainment Establishment from a position outside of the Establishment through any window or the like and, to that end, that opaque covering is affixed to all such windows and the like;
 - (c) regulatory signs are posted and maintained at every Principal Entrance to the establishment clearly visible and easily read indicating that no Person under the age of 18 years is permitted to enter the Adult Entertainment Establishment;
 - (d) every Performer in the Adult Entertainment Establishment is at least 18 years of age;
 - (e) every Person in the Adult Entertainment Establishment complies with the provisions of this Schedule and this By-law at all times while working in the Adult Entertainment Establishment;
 - (f) no Performer of an Adult Entertainment Establishment shall while providing Services as a Performer, touch or allow, permit or cause herself or himself to be touched, or have physical contact with any other person in any manner whatsoever involving any Specified body areas or Specified sexual activities;
 - (g) no Service is Provided by an Adult Entertainment Performer on the Premises which is not in full view of all customers and shall ensure that any Services Provided are not blocked or obscured by walls, curtains, smoked or frosted glass, cubicles or other enclosures, devices, or barriers whatsoever; and
 - (h) a current Register is kept, containing a copy of Identification or a Canadian Visa of each Performer currently employed by or performing in the Adult Entertainment Establishment, for the purpose of ensuring compliance with this By-law.

ADULT ENTERTAINMENT RETAIL ESTABLISHMENT

4. Every Adult Entertainment Retail Establishment Licensee shall ensure that:
 - (a) no Goods Designed to Appeal Erotic or Sexual Appetites or Inclinations which are offered for Sale or displayed to the public are displayed at a height of less than 1.5 meters above floor level unless such Goods are displayed in a Designated Area.
 - (b) in addition to Clause (a), Goods designed to appeal to erotic or sexual appetites or inclinations which are offered for Sale or displayed to the public and are not in a Designated Area, shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of the Goods, except for the name thereof, may not be seen by any member of the public.
5. An Adult Entertainment Retail Establishment Licensee may provide a Designated Area and where a Designated Area is provided, the said Licensee shall ensure:

- (a) no person under the age of 18 years is permitted entry into the Designated Area;
- (b) no person may view the inside of such Designated Area from a position outside the Designated Area, or through any window or the like and, to that end, that opaque covering is affixed to all such windows and the like; and
- (c) regulatory signs are posted and maintained at every entrance to the Designated Area, clearly indicating that no person under the age of 18 is permitted to enter such Designated Area.