

# **Bylaw No. 9011**

## **The Adult Services Licensing Bylaw, 2012**

**Codified to Bylaw No. 9321  
(October 26, 2015)**

## **BYLAW NO. 9011**

### **The Adult Services Licensing Bylaw, 2012**

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, a city has the general power to pass any bylaws that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property;

And whereas under the provisions of clause 8(1)(h) of *The Cities Act*, a city has the general power to pass any bylaws that it considers expedient in relation to businesses, business activities and persons engaged in business;

And whereas under the provisions of subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licences, inspections, permits or approvals;
- establish fees for the licence;
- prohibit any business until a licence has been granted or an inspection performed;
- impose terms and conditions on any licence;
- impose conditions that must be met before a licence is granted or renewed;
- provide for the duration of licences and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw; and
- provide for an appeal, the body that is to decide the appeal and related matters;

And whereas The City of Saskatoon desires to pass a bylaw to license persons engaged in the business of supplying adult services;

And whereas The City of Saskatoon recognizes Parliament's jurisdiction to regulate in the field of Criminal Law and that the City has limited jurisdiction to deal with such matters;

And whereas The City of Saskatoon has no intention to abrogate or license any activity intended to be a “sexual service” under the *Criminal Code*;

Now therefore The City of Saskatoon enacts:

### **Short Title**

1. This Bylaw may be cited as The Adult Services Licensing Bylaw, 2012.

### **Definitions**

2. In this Bylaw,

- (a) “adult service” means any service of an adult nature appealing to or designed to appeal to erotic or sexual appetites or inclinations.

In this definition:

- (i) “service” includes activities, facilities, performances, exhibitions, viewing and encounters; and
  - (ii) “services designed to appeal to erotic or sexual appetites or inclinations” includes:
    - (A) acting as an escort, companion, guide or date;
    - (B) modelling lingerie;
    - (C) performing a striptease or similar dance; and
    - (D) performing a body rub;
- (a.1) “adult entertainment venue” means an adult entertainment venue within the meaning of the Zoning Bylaw No. 8770;
  - (b) “adult service agency” means a business which offers to arrange or arranges the supply of adult services;
  - (c) “adult service performer” means a person who:
    - (i) is employed by, affiliated with or contracted by an adult service agency to perform an adult service on behalf of the agency; or

- (ii) is paid to perform an adult service in an adult entertainment venue;
- (d) “adult service worker” means a person who is employed by an adult service agency in a capacity other than as an adult service performer;
- (e) “alternative medical treatment” means a healing practice intended to improve the health and well-being of the person receiving the treatment, that does not fall within the realm of conventional medicine, provided it is given by a person with demonstrated qualifications, and includes:
  - (i) acupuncture and other traditional Chinese medicine;
  - (ii) aromatherapy;
  - (ii) chiropractic manipulation;
  - (iv) reflexology; and
  - (v) Reiki;but does not include:
  - (vi) a body-rub as defined in this Bylaw;
- (f) “body-rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include:
  - (i) medical or therapeutic treatment given by a person with demonstrated qualifications to perform the treatment; or
  - (ii) alternative medical treatment given by a person with demonstrated qualifications to perform the treatment;
- (g) “business” means a business within the meaning of *The Cities Act*;
- (h) “City” means The City of Saskatoon;
- (i) “independent adult service agency” means any adult service business which is owned, operated and serviced by one adult service performer;

- (j) “out-call” means attending at the premises of the customer to provide services;
- (k) “person” means an individual, proprietorship, partnership, corporation, association, or other legal entity;
- (l) “specified criminal activity” means any of the offences listed in Schedule “A” for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
- (m) “transient adult service performer” means an adult service performer that does not reside or maintain a place of business in the City; and
- (n) “transient independent adult service agency” means an adult service agency which is owned, operated and serviced by one person that does not maintain a permanent residence or place of business in the City.

### **Licence Required**

- 3. (1) No person shall carry on the business of an adult service agency, an independent adult service agency, a transient independent adult service agency, an adult service performer, a transient adult service performer, or an adult service worker without having a valid and subsisting licence pursuant to the provisions of this Bylaw.
- (2) If the owner of a licensed adult service agency personally performs an adult service on behalf of the agency, in addition to the licence for the agency, the owner must hold a valid adult service performer licence.

### **Licensing Requirements – Adult Service Agency**

- 4. (1) Before any person may operate an adult service agency, a written application must be made to the City for an adult service agency licence.
- (2) An adult service agency licence may not be issued to:
  - (a) an individual under the age of 18 years;
  - (b) a partnership with any partner under the age of 18 years; or
  - (c) a corporation with any director or officer under the age of 18 years.

- (3) Every application for the issue or renewal of an adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
- (a) if the applicant is an individual:
    - (i) family name and all given names;
    - (ii) date of birth;
    - (iii) current address and telephone number;
    - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
      - (A) include a photograph;
      - (B) be government issued;
      - (C) be original, not a copy of the document;
      - (D) indicate a unique identification number; and
      - (E) be valid (i.e., current). An expired licence or passport is not acceptable.
    - (v) written proof of the applicant's Canadian citizenship or residency status; and
    - (vi) a criminal record check;
  - (b) if the applicant is a partnership:
    - (i) the family name and all given names for each partner;
    - (ii) the date of birth for each partner;
    - (iii) the current address and telephone number for each partner;
    - (iv) acceptable written proof of each partner's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
      - (A) include a photograph;

- (B) be government issued;
  - (C) be original, not a copy of the document;
  - (D) indicate a unique identification number; and
  - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
- (v) written proof of Canadian citizenship or residency status for each partner; and
- (vi) a criminal record check for each partner;
- (c) if the applicant is a corporation:
- (i) the legal name of the corporation;
  - (ii) the corporate entity number;
  - (iii) the family name, all given names and the date of birth for each director;
  - (iv) the family name, all given names and the date of birth for each officer;
  - (v) acceptable written proof of the principal managing employee's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (A) include a photograph;
    - (B) be government issued;
    - (C) be original, not a copy of the document;
    - (D) indicate a unique identification number; and
    - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
- (v) written proof of Canadian citizenship or residency status for the principal managing employee; and
- (vi) a criminal record check for the principal managing employee;

- (d) for all applicants:
  - (i) the complete legal name and current licence number of each adult service performer working for the adult service agency whether by direct employment, independent contract, or otherwise;
  - (ii) the complete legal name and current licence number of each adult service worker working for the adult service agency whether by direct employment, independent contract or otherwise;
  - (iii) the business address of the agency;
  - (iv) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
  - (v) all names used by the agency;
  - (vi) all electronic mail addresses used by the agency; and
  - (vii) all internet computer addresses used by the agency.
- (4) Every application for the issue or renewal of an adult service agency must be personally signed by:
  - (a) the individual named in the application;
  - (b) each partner named in the application; or
  - (c) each director of a corporation named in the application,as the case may be.

### **Licensing Requirements – Independent Adult Service Agency**

- 5. (1) Before any person may operate an independent adult service agency, a written application must be made to the City for an independent adult service agency licence.
- (2) An independent adult service agency licence may not be issued to:
  - (a) an individual under the age of 18 years;



- (b) a partnership; or
  - (c) a corporation with any shareholder, director or officer under the age of 18 years.
- (3) An independent adult service agency licence may only be issued to an individual if that individual is the only person performing adult services on behalf of that agency.
- (4) An independent adult service agency licence may only be issued to a corporation if the only person performing adult services on behalf of that agency is the sole shareholder, director and officer of that corporation.
- (5) Every application for the issue or renewal of an independent adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
- (a) if the applicant is an individual:
    - (i) family name and all given names;
    - (ii) date of birth;
    - (iii) current address and telephone number;
    - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
      - (A) include a photograph;
      - (B) be government issued;
      - (C) be original, not a copy of the document;
      - (D) indicate a unique identification number; and
      - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
    - (v) written proof of Canadian citizenship or residency status; and
    - (vi) a criminal record check;

- (b) if the applicant is a corporation:
  - (i) the legal name of the corporation;
  - (ii) the corporate entity number;
  - (iii) the family name, all given names and the date of birth for the sole shareholder, director and officer;
  - (iv) acceptable written proof of the identity and age of the sole shareholder, director and officer (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (A) include a photograph;
    - (B) be government issued;
    - (C) be original, not a copy of the document;
    - (D) indicate a unique identification number; and
    - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
  - (v) written proof of Canadian citizenship or residency status of the sole shareholder, director and officer; and
  - (vi) a criminal record check of the sole shareholder, director and officer;
- (c) for all applicants:
  - (i) the complete legal name and current licence number of each adult service worker working for the independent adult service agency whether by direct employment, independent contract, or otherwise;
  - (ii) the business address of the agency;
  - (iii) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
  - (iv) all names used by the agency;

- (v) all electronic mail addresses used by the agency; and
  - (vi) all internet computer addresses used by the agency.
- (6) Every application for the issue or renewal of an independent adult service agency must be personally signed by:
- (a) the individual named in the application; or
  - (b) the sole shareholder, director and officer of the corporation,
- as the case may be.

### **Licensing Requirements – Transient Independent Adult Service Agency**

- 5.1 (1) Before any person may operate as a transient independent adult service agency, a written application must be made to the City for a transient independent adult service agency licence.
- (2) A transient independent adult service agency licence may not be issued to:
- (a) an individual under the age of 18 years;
  - (b) a partnership; or
  - (c) a corporation with any shareholder, director or officer under the age of 18 years.
- (3) A transient independent adult service agency licence may only be issued to an individual if that individual is the only person performing adult services on behalf of that agency and that person does not maintain a permanent residence or place of business in the City.
- (4) A transient independent adult service agency licence may only be issued to a corporation if the only person performing adult services on behalf of that agency is the sole shareholder, director and officer of that corporation and that person does not maintain a permanent residence or place of business in the City.
- (5) Every application for the issue or renewal of a transient independent adult service agency licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:

- (a) if the applicant is an individual:
  - (i) family name and all given names;
  - (ii) date of birth;
  - (iii) current address and telephone number;
  - (iv) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (A) include a photograph;
    - (B) be government issued;
    - (C) be original, not a copy of the document;
    - (D) indicate a unique identification number; and
    - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
  - (v) written proof of Canadian citizenship or residency status; and
  - (vi) a criminal record check;
- (b) if the applicant is a corporation:
  - (i) the legal name of the corporation;
  - (ii) the corporate entity number;
  - (iii) the family name, all given names and the date of birth for the sole shareholder, director and officer;
  - (iv) acceptable written proof of the identity and age of the sole shareholder, director and officer (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (A) include a photograph;
    - (B) be government issued;

- (C) be original, not a copy of the document;
  - (D) indicate a unique identification number; and
  - (E) be valid (i.e., current). An expired licence or passport is not acceptable;
- (v) written proof of Canadian citizenship or residency status of the sole shareholder, director and officer; and
  - (vi) a criminal record check of the sole shareholder, director and officer;
- (c) for all applicants:
    - (i) the complete legal name and current licence number of each adult service worker working for the transient independent adult service agency whether by direct employment, independent contract, or otherwise;
    - (ii) the mailing address of the agency;
    - (iii) the business telephone numbers used by the agency including, but not limited to, cellular telephones, digital telephones, pagers and facsimile lines;
    - (iv) all names used by the agency;
    - (v) all electronic mail addresses used by the agency; and
    - (vi) all internet computer addresses used by the agency.
- (6) Every application for the issue or renewal of a transient independent adult service agency licence must be personally signed by:
    - (a) the individual named in the application; or
    - (b) the sole shareholder, director and officer of the corporation,as the case may be.

**Licensing Requirements – Adult Service Performer**

6. (1) Before any person may carry on business as an adult service performer, a written application must be made to the City for an adult service performer licence.
- (2) An adult service performer licence may not be issued to:
  - (a) an individual under the age of 18 years; or
  - (b) a partnership or a corporation.
- (3) Every application for the issue or renewal of an adult service performer licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
  - (a) family name and all given names;
  - (b) date of birth;
  - (c) current address and telephone number;
  - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (i) include a photograph;
    - (ii) be government issued;
    - (iii) be original, not a copy of the document;
    - (iv) indicate a unique identification number; and
    - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
  - (e) written proof of Canadian citizenship or residency status;
  - (f) a criminal record check;
  - (g) nicknames, aliases and other names used by the applicant; and
  - (h) agency or adult entertainment venue for whom the applicant works, whether by direct employment, independent contract, or otherwise.

- (4) Every application for the issue or renewal of an adult service performer must be personally signed by the individual named in the application.

### **Licensing Requirements - Transient Adult Service Performer**

7. (1) Before any person may carry on business as a transient adult service performer, a written application must be made to the City for a transient adult service performer licence.
- (2) A transient adult service performer licence may not be issued to:
  - (a) an individual under the age of 18 years; or
  - (b) a partnership or a corporation.
- (3) Every application for the issue or renewal of a transient adult service performer licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
  - (a) family name and all given names;
  - (b) date of birth;
  - (c) current address and telephone number;
  - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (i) include a photograph;
    - (ii) be government issued;
    - (iii) be original, not a copy of the document;
    - (iv) indicate a unique identification number; and
    - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
  - (e) written proof of Canadian citizenship or residency status;
  - (f) a criminal record check;

- (g) nicknames, aliases and other names used by the applicant; and
  - (h) anticipated length of time working in the city of Saskatoon.
- (4) Every application for the issue or renewal of a transient adult service performer must be personally signed by the individual named in the application.

### **Licensing Requirements – Adult Service Worker**

8. (1) Before any person may work as an adult service worker, a written application must be made to the City for an adult service worker licence.
- (2) An adult service worker licence may not be issued to:
- (a) an individual under the age of 18 years; or
  - (b) a partnership or a corporation.
- (3) Every application for the issue or renewal of an adult service worker licence must be in a form prescribed by the City and must contain at least the following information regarding the applicant:
- (a) family name and all given names;
  - (b) date of birth;
  - (c) current address and telephone number;
  - (d) acceptable written proof of the applicant's identity and age (e.g. Canadian citizenship card, Canadian or foreign passport, or driver's licence). The identification must:
    - (i) include a photograph;
    - (ii) be government issued;
    - (iii) be original, not a copy of the document;
    - (iv) indicate a unique identification number; and
    - (v) be valid (i.e., current). An expired licence or passport is not acceptable;
  - (e) written proof of Canadian citizenship or residency status;



- (f) a criminal record check;
  - (g) nicknames, aliases and other names used by the applicant; and
  - (h) adult service business for whom the applicant works, whether by direct employment, independent contract, or otherwise.
- (4) Every application for the issue or renewal of an adult service worker licence must be personally signed by the individual named in the application.

### **Issuance of Licence**

9. (1) Upon the filing of a completed application for a licence pursuant to this Bylaw, the City shall, within 60 days after the receipt of the application, either issue a licence, with or without conditions, or issue a written notice of intent to deny a licence, to the applicant.
- (2) The City shall approve the issuance of a licence unless one or more of the following is found to be true:
- (a) the applicant is less than 18 years of age;
  - (b) the applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to an adult service business;
  - (c) the applicant has failed to provide information as required by sections 4, 5, 5.1, 6, 7 or 8 for the issuance of the licence;
  - (d) the applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this clause. For the purpose of this Bylaw, "conviction" means a conviction or a guilty plea; and includes a conviction of any business entity for which the applicant had, at the time of the offence leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest;
  - (e) the applicant has an outstanding warrant for arrest or committal under the *Criminal Code*, R.S.C. 1985, c. C-46, from any jurisdiction in Canada.

- (f) the licence application fee required by this Bylaw has not been paid;
  - (g) the applicant has falsely answered a question or request for information on the application form; or
  - (h) the proposed adult service business is located in a zoning district other than a district in which adult service businesses are allowed to operate under the Zoning Bylaw, or is not in compliance with the location restrictions established for adult service businesses in the appropriate zoning districts.
- (3) An applicant that is ineligible for a licence because of a conviction for specified criminal activity may qualify for a licence only when the applicable time period specified in subsection 2(l) has elapsed.
- (4) The licence, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the licence issued to that applicant, the expiration date, the conditions, if any, attaching to the licence and if the licence is for an adult service agency or an independent adult service agency, the address of the business. The adult service agency or independent adult service agency licence shall be posted in a conspicuous place at or near the entrance to the adult service agency or independent adult service agency, so that it may be easily read at any time.
- (5) In addition to the requirements under subsection (4), a licence for an independent adult service agency, a transient independent adult service agency, an adult service performer, a transient adult service performer or an adult service worker shall contain a photograph of the licensee. The licensee shall keep the licence on his or her person or on the premises where the licensee is then working, and shall produce such licence for inspection upon request by a police officer or other authorized City official.

### **Conditions Attaching to Licence**

10. (1) The City may impose any additional terms and conditions on a licence issued pursuant to this Bylaw that are consistent with the intent of the Bylaw where the City is satisfied that:
- (a) it is necessary to ensure compliance with any duties imposed on the licensee pursuant to this Bylaw;

- (b) it is necessary to ensure the integrity of the licensing scheme in the Bylaw; and
  - (c) it is appropriate and in the public interest to do so.
- (2) Every licensee shall comply with the terms, conditions and restrictions to which the licence is subject.

### **No Further Licensing Required**

11. A licence issued pursuant to this Bylaw shall be a valid business licence, and licensing under any other City bylaw shall not be required.

### **Fees**

12. (1) An applicant for an adult service agency licence, an independent adult service agency licence, a transient independent adult service agency, an adult service performer licence, a transient adult service performer or an adult service worker licence shall, upon filing the application, pay the initial licence fee prescribed in Schedule "B".
- (2) A licensee who wishes to renew a licence shall, upon filing an application for renewal of a licence, pay the annual licence renewal fee prescribed in Schedule "B".
- (3) If the initial licence or annual licence renewal is refused, the fee paid pursuant to subsections (1) and (2) shall be returned to the applicant.
- (4) Except as provided in subsection (3), the initial licence fee and annual licence renewal fee are non-refundable. If a licence is suspended or revoked, no licence fee or part thereof is refundable to a licensee.

### **Expiration of Licence**

13. (1) Each licence shall expire one year from the date of issuance and may be renewed, provided an application for renewal of a licence and annual licence renewal fees are received by the City no later than the expiration date of the current licence. An application received after that date shall be processed as a new application and the initial licence fees shall apply.
- (2) An application for renewal of a licence must include all the same information required for an initial licence pursuant to sections 4, 5, 5.1, 6, 7 or 8, depending upon the type of licence applied for.

- (3) Upon receiving an application for renewal of a licence and determining that the applicant is in full compliance with the provisions of this Bylaw, the City shall issue a new licence, with or without conditions.
- (4) If the City denies renewal of a licence, the applicant shall not be issued a licence for one year from the date of denial. If, subsequent to the denial, the City finds that the basis for the denial has been corrected or abated, the applicant shall be granted a licence if at least three months have elapsed since the date that the denial became final.

### **Suspension and Revocation of Licence**

14. (1) Any licence issued under this Bylaw may be suspended or cancelled for any of the following reasons:
  - (a) a licensee or an employee of a licensee has violated or failed to comply with any provision of this Bylaw;
  - (b) a licensee or an employee of a licensee has violated or failed to comply with any condition of the licence;
  - (c) a licensee or an employee of a licensee has refused to allow an inspection of the adult service agency or the independent adult service agency premises as authorized by this Bylaw;
  - (d) a licensee has given false or misleading information in the material contained in the application for the licence; or
  - (e) a licensee has been convicted of a specified criminal activity during the term of the licence. The fact that a conviction is being appealed shall have no effect on the revocation of the licence.
- (2) The City shall provide written notice of the suspension or cancellation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the licensee of the right to appeal. Such notice shall be given or served on the licensee in accordance with section 347 of *The Cities Act*.
- (3) If the City cancels a licence, the fee paid for the licence shall be forfeited. A person whose licence has been cancelled under this section may not apply for a new licence for a period of one year from the date that the cancellation took place.

- (4) The power to suspend or cancel a licence pursuant to this section is in addition to the penalties contained in section 23. The City may suspend or cancel a licence whether or not a licensee has been charged or convicted of an offence under this Bylaw.

### **Additional Regulations re Minors**

15. (1) No adult service agency, independent adult service agency or transient independent adult service agency shall employ or contract with any person under the age of 18 years in any capacity whatsoever.
- (2) No adult service agency, independent adult service agency, transient independent adult service agency, adult service performer or transient adult service performer shall furnish or offer to furnish any services to any person under the age of 18 years.
- (3) No adult service agency or independent adult service agency shall allow a person under the age of 18 years on the premises of the agency.

### **Adult Service as Home Based Business**

16. If an adult service agency or an independent adult service agency is permitted to carry on business as a home based business in the City, the agency may do so provided:
  - (a) the adult service is supplied on an out-call basis only; and
  - (b) the business complies with all development standards for home based businesses in the Zoning Bylaw.

### **Separation Distances for Adult Service Agencies and Independent Adult Service Agencies**

- 16.1 (1) Where an adult service agency or independent adult service agency is otherwise a permitted use, an adult service agency or independent adult service agency shall not be located within 160 metres of another adult service agency or independent adult service agency, as measured from property line to property line.
- (2) When a person applies for a licence for an adult service agency or independent adult service agency, and there exists another adult service agency or independent adult service agency within 160 metres of the applicant's proposed location, the application shall be denied by the City.

- (3) Subsections (1) and (2) shall not apply to an adult service agency or independent adult service agency operated as a home based business.

### **Separation Distances for Adult Entertainment Venues**

- 16.2 (1) Where an adult entertainment venue is otherwise a permitted use, an adult entertainment venue shall not be located within 160 metres of another adult entertainment venue or adult service agency or independent adult service agency, as measured from property line to property line.
- (2) When a person applies for a license for an adult service agency or independent adult service agency, and there exists an adult entertainment venue within 160 metres of the applicant's proposed location, the application shall be denied by the City.
- (3) Subsections (1) and (2) shall not apply if an adult service agency or independent adult service agency is operating as a home based business.

### **List of Employees**

- 17. (1) An adult service agency shall maintain, at all times, a current list of all employees. The list shall contain:
  - (a) the complete legal name and current licence number of each adult service performer working for the adult service agency whether by direct employment, independent contract, or otherwise; and
  - (b) the complete legal name and current licence number of each adult service worker working for the adult service agency whether by direct employment, independent contract or otherwise;
- (2) An independent adult service agency or transient independent adult service agency shall maintain, at all times, a current list of all adult service workers working for the independent adult service agency or transient independent adult service agency whether by direct employment, independent contract or otherwise, which list shall include the complete legal name and current licence number for each adult service worker.
- (3) The lists referred to in subsections (1) and (2) shall be kept current and shall be available for inspection at any time, upon request by a police officer or other authorized City official.

### **Transfer of Licence**

18. A licence issued pursuant to this Bylaw is not transferable from one licensee to another or in the case of an adult service agency or an independent adult service agency, from one's business premises to another.

### **Exemptions**

19. (1) Except as provided in section 16.2, the provisions of this Bylaw shall not apply to:
- (a) adult theatres;
  - (b) adult bookstores;
  - (c) adult novelty stores;
  - (d) adult video stores; or
  - (e) adult entertainment venues.
- (2) The businesses referred to in subsection (1) shall be licensed under the applicable business licensing bylaw of the City.

### **Right of Appeal**

20. (1) If the City imposes conditions on a licence, or denies, suspends or cancels a licence, the aggrieved party may appeal the City's decision to the Saskatoon Licence Appeal Board.
- (2) The rules, procedure and time limits for an appeal pursuant to subsection (1) shall be governed by the provisions of The Saskatoon Licence Appeal Board Bylaw, 2012.
- (3) In determining an appeal, the Saskatoon Licence Appeal Board;
- (a) is bound by the provisions of this Bylaw; and
  - (b) is prohibited from modifying or repealing a decision, or substituting its own decision unless it is satisfied on a balance of probabilities that the City has misapplied the provisions of this Bylaw in the denial, suspension or cancellation of a licence or the imposition of conditions on a licence.

### **Administration and Enforcement of Bylaw**

21. (1) The administration and enforcement of this Bylaw is hereby delegated to the General Manager, Community Services Department for the City.
- (2) The General Manager, Community Services Department for the City is hereby authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City and to the Saskatoon Police Service.

### **Inspections**

22. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in the inspection.
- (4) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

### **Offences**

23. (1) No person shall:
- (a) fail to comply with any provision of this Bylaw;
  - (b) fail to comply with a term or condition of his or her licence;
  - (c) obstruct or interfere with any person acting under the authority of this Bylaw; or
  - (d) alter or deface a licence issued pursuant to this Bylaw.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:



- (a) in the case of a first offence:
    - (i) to a fine of not less than \$250.00 and not more than \$1,000.00 for an individual and not less than \$500.00 and not more than \$2,000.00 for a corporation;
    - (ii) imprisonment for a term of not more than two months; or
    - (iii) both the fine and imprisonment;
  - (b) in the case of a second or subsequent offence:
    - (i) to a fine of not less than \$500.00 and not more than \$2,500.00 for an individual and not less than \$1,000.00 and not more than \$5,000.00 for a corporation;
    - (ii) imprisonment for a term of not more than three months; or
    - (iii) both the fine and imprisonment.
- (3) If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed:
- (a) in the case of a person who holds a licence, suspend the licence for a term of not more than three months; or
  - (b) in the case of a person who did not hold a licence at the time of conviction, order that the person is ineligible to apply for a licence for a term of not more than three months.
- (4) Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.
- (5) A person to whom a summons ticket is being issued pursuant to subsection (4) shall, upon request by the person issuing the summons ticket, provide his or her name, address and date of birth. A person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalties set out in subsection (2).
- 23.1 (1) Notwithstanding section 23, in the case of a person who contravenes a provision of this Bylaw for the first time, a peace officer may issue a Notice of Violation to that person.

- (2) The Notice of Violation shall provide that, if the person pays the City the sum of \$250.00 within 14 calendar days of the date of the Notice of Violation, the person shall not be prosecuted for the contravention.
- (3) The fine may be paid:
  - (a) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
  - (b) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
  - (c) by mail addressed to the Office of the City Treasurer, City Hall, 222 – 3<sup>rd</sup> Avenue North, Saskatoon, Saskatchewan, S7K 0J5.”

**Bylaw to Prevail**

- 24. The provisions of this Bylaw prevail where there is any conflict between any provision of this Bylaw and any other bylaw of the City.

**Consequential Amendments**

- 25. Bylaw No. 6066, “The License Bylaw” is amended by:
  - (a) repealing Sections 70 to 80 inclusive; and
  - (b) striking out “Section 73(1) (Massage Parlours).....\$95.00” in Schedule No. 1.

**Coming into Force**

- 26. This Bylaw comes into force on the 1<sup>st</sup> day of July, 2012.

Read a first time this 12<sup>th</sup> day of March, 2012

Read a second time this 12<sup>th</sup> day of March, 2012

Read a third time and passed this 12<sup>th</sup> day of March, 2012.

\_\_\_\_\_  
“Donald J. Atchison”  
Mayor

\_\_\_\_\_  
“Janice Mann” “SEAL”  
City Clerk

## Schedule “A”

<b>Offences under the <i>Criminal Code</i></b>					
	<b>Offence</b>	<b>Section</b>		<b>Offence</b>	<b>Section</b>
(a)	Sexual interference	s.151	(l)	Common bawdy-house: keeping	s. 210(1)
(b)	Invitation to sexual touching	s. 152	(m)	Common bawdy-house: inmate	s. 210(2)(a)
(c)	Sexual exploitation	s. 153	(n)	Common bawdy-house: found in	s. 210(2)(b)
(d)	Sexual exploitation of person with a disability	s. 153.1	(o)	Common bawdy-house: owner	s. 210(2)(c)
(e)	Obscene matter: selling, exposing or exhibiting	s. 163(2)	(p)	Procuring	s. 212(1)
(f)	Child pornography: printing and publishing	s. 163.1(2)	(q)	Living on the avails of prostitution	s. 212(1)(j)
(g)	Child pornography: importing and distributing	s. 163.1(3)	(r)	Living on the avails of juvenile prostitution and using violence	s. 212(2.1)
(h)	Child pornography: possession	s. 163.1(4)	(s)	Juvenile prostitution	s. 212(4)
(i)	Parent or guardian procuring sexual activity	s. 171	(t)	Prostitution offences	s. 213(1)
(j)	Indecent Acts	s. 173(1)	(u)	Sexual assault	s. 271
(k)	Exposure to person under age of sixteen years	s. 173(2)	(v)	Trafficking in persons	s. 279.01
			(w)	Criminal organization offences	s. 2, 467.11, 467.12 or 467.13

**Schedule "A"**  
(Continued)

<b>Offences under the <i>Controlled Drugs and Substances Act</i></b>		
	<b>Offence</b>	<b>Section</b>
(a)	Trafficking	s.5(1)
(b)	Possession for the purpose of trafficking	s. 5(2)
(c)	Importing and exporting	s. 6(1)
(d)	Possession for the purpose of exporting	s. 6(2)
(e)	Production of substance	s. 7

## Schedule “B”

<b>Fees</b>		
	<b>Adult Service Agency Licence</b>	<b>Fee</b>
(a)	Initial Licence	\$500.00
(b)	Annual Licence Renewal	\$200.00
	<b>Independent Adult Service Agency Licence</b>	
(c)	Initial Licence	\$250.00
(d)	Annual Licence Renewal	\$100.00
	<b>Transient Independent Adult Service Agency Licence</b>	
(e)	Initial Licence	\$250.00
(f)	Annual Licence Renewal	\$100.00
	<b>Adult Service Performer (i.e. Employed, Affiliated, Contracted, Transient)</b>	
(g)	Initial Licence	\$250.00
(h)	Annual Licence Renewal	\$100.00
	<b>Adult Service Worker Licence</b>	
(i)	Initial Licence	\$250.00
(j)	Annual Licence Renewal	\$100.00