

OFFICE CONSOLIDATION

BYLAW NUMBER 47M86

**BEING A BYLAW OF THE CITY OF CALGARY
TO REGULATE AND LICENSE EXOTIC
ENTERTAINERS AND EXOTIC
ENTERTAINMENT AGENCIES**

(Amended by Bylaw Number's 9M87, 6M89, 38M91, 57M91, 34M96, 38M96, 18M97, 34M97, 40M2003, 40M2005, 50M2005, 60M2005, 61M2005, 57M2008, 58M2008, 59M2008, 50M2011, 70M2011, 71M2011, 72M2011 *effective 2014 January 01*, 56M2014 *effective 2015 January 01*)

THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "*Exotic Entertainers Bylaw*".
2. In this Bylaw, unless the context otherwise requires:
 - (a) "*carry on*" means operate, perform, keep, hold, occupy, deal in or use, for gain whether as principal or agent;
 - (b) "*City*" means City of Calgary;
 - (c) "*exotic entertainer*" includes anyone who contracts or agrees to perform exotic entertainment for valuable consideration;
 - (d) "*exotic entertainment*" means a nude or semi-nude activity performed for an audience of 1 or more persons, wholly or partially designed to appeal to sexual appetites or inclinations and includes:
 - (i) An activity where the principal feature or characteristic is the nudity or semi-nudity of any person; and
 - (ii) An activity where the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having a similar meaning or implication is used in any advertisement for the activity.
 - (e) "*entertainment*" includes a live performance;
 - (f) "*exotic entertainment agency*" includes any business acting for or on behalf of an exotic entertainer which offers to provide or does provide the services of an exotic entertainer;
 - (g) "*License Bylaw*" means Bylaw Number 32M88 of The City, as amended from time to time, and includes any Bylaw passed in substitution for Bylaw 32M88;
 - (h) "*Licensee*" means the holder of a license issued pursuant to this Bylaw;
 - (h.1) "*operator*" means the person in charge of supervising or managing the exotic entertainment agency or any location where exotic entertainment takes place;

BYLAW NUMBER 47M86

- (h.2) "*patron*" means any person who, whether directly or indirectly, pays to watch or participate in exotic entertainment;
- (i) "*person*" includes body corporate.
- (B/L 6M89, 1989 February 06)
(B/L 38M91, 1991 September 16)
(B/L 34M96, 1996 June 24)
(B/L 38M96, 1996 October 07)
3. Except where inconsistent with this Bylaw, the general licensing provisions of the License Bylaw shall apply mutatis mutandis to this Bylaw and licenses issued pursuant to this Bylaw.
4. (1) Except as provided in this Bylaw, no person shall carry on the business of an exotic entertainer or carry on the business of an exotic entertainment agency without having a valid and subsisting license issued by the City's Chief License Inspector pursuant to the provisions of this Bylaw.
- (2) Every person who is required by Subsection (1) of this Section to obtain a license shall submit an application to the Chief License Inspector for his consideration which application shall contain a written recommendation signed by or on behalf of the Chief of Police.
5. Every application for an exotic entertainer's license to be issued pursuant to this Bylaw shall include the following information:
- (a) The full proper name, birth date, residential address and telephone number of the applicant;
- (b) The applicant's Birth Certificate or other documentary confirmation of identity other than the Social Security or Social Insurance Number;
- (c) A current passport size photograph of the applicant; and,
- (d) The name and telephone number of the applicant's current booking agent or agents, where applicable.
6. Every application for a license to carry on the business of an exotic entertainment agency issued pursuant to this Bylaw shall be made to the Chief License Inspector and shall include the following information:
- (a) The name, residential address and telephone number of the applicant or, in the case of a body corporate the names, residential addresses and telephone numbers of all Officers and Directors;
- (b) The address for the proposed place of business;
- (b.1) Proof satisfactory to the Chief Licence Inspector that the proposed place of business complies with all applicable land use regulations, health and safety regulations and any other regulations that may affect the proposed place of business as an exotic entertainment agency;

BYLAW NUMBER 47M86

- (c) The name and residential address of the principal managing employee thereof;
 - (d) The name or names of any other person or persons, and their residential address, having any financial interest in the business for which the application is made; and
 - (e) When the applicant is a body corporate, its registered address and proof of due incorporation.

(B/L 40M2003, 2003 November 10)
- 7.
- (1) Every application for an exotic entertainment agency license under this Bylaw must contain true and accurate information and be made by a bona fide applicant.
 - (2) Every application for an exotic entertainer's license under this Bylaw must contain true and accurate information and be made by a bona fide applicant or by a licensed exotic entertainment agency authorized to act on his or her behalf.
 - (3) Any license required to be obtained by this Bylaw shall only be issued to the applicant by the Chief License Inspector upon proof satisfactory to the Chief License Inspector that the applicant is the person named in the application and that the information required to be provided herein by Sections 5 and 6 is true and accurate in all respects.
- 8.
- (1) Every person licensed to carry on the business of an exotic entertainment agency shall keep in the office from which he or she operates the business a current list of all persons who actually provide exotic entertainment for such agency, which said list shall contain the following information:
 - (a) The true name of each such person who provides exotic entertainment and any stage names or common nickname by which that person is known;
 - (b) The birth date of each such person;
 - (c) The residential address and telephone number of each such person; and
 - (d) Such person's Birth Certificate or other documentary confirmation of identity other than the Social Security or Social Insurance Number.
 - (2) Every person carrying on the business of an exotic entertainment agency shall furnish on demand to any Police Officer or the Chief License Inspector or any person authorized to act on his behalf a list of all employees currently in their employment, such requested to be reasonably related to the enforcement of this Bylaw.
9. When the information required to be provided to the Chief License Inspector pursuant to Sections 5, 6 and 8 of this Bylaw becomes inaccurate, updated and accurate information shall be promptly provided by the licensee to the Chief License Inspector.

BYLAW NUMBER 47M86

10. Every person carrying on the business of an exotic entertainment agency shall keep in the premises from which that business is carried on a register, in a form prescribed by the Chief License Inspector, containing a record of anyone who books the services of an exotic entertainer.

(B/L 9M87, 1987 February 16)

11. Every person to whom a license has been issued to carry on the business of an exotic entertainment agency shall post the license in a conspicuous place in the premises where the business is operated.

12. The Chief License Inspector is not required to consider any application for a licence pursuant to this Bylaw unless and until the applicant has paid the licence fee and any other fees, including fees for inspections and consultations, required by this Bylaw or any other regulation affecting the business.

(B/L 40M2003, 2003 November 10)

- 12.1 The Chief License Inspector shall not issue a license to any person to carry on the business of an exotic entertainment agency on premises located in any Residential Land Use District as described in the City of Calgary Bylaw Number 2P80, the Land Use Bylaw, as amended or replaced from time to time.

(B/L 38M91, 1991 September 16)

13. The fee for a licence to carry on the business of an exotic entertainer shall be as follows:

<u>New Application Fee</u>				<u>Renewal Fee</u>			
<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
\$177	\$184	\$191	\$199	\$135	\$141	\$146	\$152

(B/L 57M2008, 2008 November 03)

(B/L 58M2008, 2008 November 03)

(B/L 59M2008, 2008 November 03)

(B/L 70M2011, 2011 November 29)

(B/L 71M2011, 2011 November 29)

(B/L 72M2011, 2011 November 29, *effective 2014 January 01*)

(B/L 56M2014, 2014 November 28, *effective 2015 January 01*)

14. Every applicant for a license to carry on the business of an exotic entertainer shall be at least Eighteen (18) Years of Age.

15. The fee for a licence to carry on the business of an exotic entertainment agency shall be as follows:

<u>New Application Fee</u>				<u>Renewal Fee</u>			
<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
\$177	\$184	\$191	\$199	\$135	\$141	\$146	\$152

BYLAW NUMBER 47M86

(B/L 57M2008, 2008 November 03)

(B/L 58M2008, 2008 November 03)

(B/L 59M2008, 2008 November 03)

(B/L 70M2011, 2011 November 29)

(B/L 71M2011, 2011 November 29)

(B/L 72M2011, 2011 November 29, *effective 2014 January 01*)

(B/L 56M2014, 2014 November 28, *effective 2015 January 01*)

- 15.1 The fees paid by the applicant to The City as part of the licence application or renewal process are not refundable regardless of whether the application is refused or the licence is suspended or revoked.
(B/L 40M2003, 2003 November 10)
16. (1) A license issued pursuant to the provisions of this Bylaw is not transferable.
(2) A licensee shall not allow his or her license to be used by any unlicensed person for the purpose of falsely representing that the licensing provisions of this Bylaw have been lawfully satisfied by an unlicensed person.
17. Every person carrying on the business of an exotic entertainment agency shall carry on that business from an office the address of which shall be specified in the license issued therefor and all records pertaining to the aforesaid business shall be maintained and kept in the said office.
- 17.1 Every person carrying on the business of an exotic entertainer or an exotic entertainment agency shall maintain all telephone lines used in connection with the business on the premises named in the license, and such telephone lines shall not be 'call forwarded' to premises located in any Residential Land Use District as described in the City of Calgary Bylaw Number 2P80, the Land Use Bylaw.
(B/L 38M91, 1991 September 16)
(B/L 57M91, 1991 December 17)
18. Where exotic entertainers and exotic entertainment agencies are required to be licensed pursuant to the provisions of this Bylaw, no person shall engage the services of an unlicensed exotic entertainer or an unlicensed exotic entertainment agency for the provision of exotic entertainment.
- 18.1 (1) No person shall carry on the business of an exotic entertainer between the hours of 2:30 o'clock in the morning and 7:00 o'clock in the morning of the same day.
(2) An exotic entertainment agency shall not allow or require any person to work as an exotic entertainer during the hours which the business is required to cease operations pursuant to subsection (1).
(B/L 38M91, 1991 September 16)
- 18.2 No exotic entertainer, while performing exotic entertainment, shall touch or have physical contact with any part of any other person's body in any manner whatsoever.
- 18.3 No exotic entertainment agency, licensee, or operator shall permit an exotic entertainer whose services it provides or offers to provide to touch or have any physical contact with any part of any other person's body in any manner whatsoever while performing exotic

entertainment.

- 18.4 No patron of exotic entertainment shall touch or have physical contact with any part of the exotic entertainer's body while he or she is performing exotic entertainment.
(B/L 34M96, 1996 June 24)
19. (1) Where a Corporation is the holder of an exotic entertainment agency license issued under the provisions of this Bylaw, the Corporation shall forthwith notify the Chief License Inspector in writing of all transfers of existing shares.
- (2) Where, by a transfer of existing shares or by an issue of new shares the controlling interest in a Corporation holding one (1) or more exotic entertainment agency licenses is determined by the Chief License Inspector to have changed hands, such license or licenses shall be terminated forthwith and the Chief License Inspector may issue a new license or licenses upon payment of the prescribed fee.
20. (1) REPEALED BY B/L 18M97, 1997 APRIL 07.
- (2) Subject to an appeal to the Licence and Community Standards Appeal Board of the City, the Chief License Inspector may refuse to grant any license required by this Bylaw or he may suspend or revoke any license issued pursuant to this Bylaw if, in his opinion, there are just and reasonable grounds for the refusal of the application or the revocation or suspension of the license.
(B/L 50M2011, 2011 September 19)
- (3) Upon a license being suspended or revoked as hereinbefore provided, the Chief License Inspector shall notify the Licensee thereof:
- (a) By delivering a notice to the Licensee personally; or
- (b) By mailing a registered letter to the Licensee's place of business or residence as shown on the license or application for same,
- and after the delivery of such notice, the business or occupation, as the case may be, shall not be carried on until such time as the period of suspension ends or a new license is issued to replace the license which was revoked.
- (4) A suspension of a license issued pursuant to this Bylaw may be:
- (a) For a period of time not exceeding the unexpired term of the license; or
- (b) Where the suspension is for non-compliance with a Bylaw, until the holder of the suspended license has, in the opinion of the Chief License Inspector, complied with that Bylaw.
- (5) A license may be suspended or revoked for non-compliance with any Bylaw of the City notwithstanding that the holder of the license has not been prosecuted for a contravention of that Bylaw.

BYLAW NUMBER 47M86

- (6) Where any license issued pursuant to the terms of this Bylaw is suspended or revoked by the Chief License Inspector, such license shall be surrendered to the Chief License Inspector.
- (7) Where the Chief Licence Inspector has suspended, revoked, or cancelled an existing licence under this Bylaw, then, unless such suspension, revocation or cancellation is overturned in whole by the Licence and Community Standards Appeal Board, the licensee shall, as a condition of any reinstatement or renewal of the *licence*, including any reinstatement on the conclusion of a suspension for a fixed term, and before receiving a *licence* if the *Licencee* applies for a new *licence*, pay a reinstatement fee as follows:

<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
\$1212	\$1260	\$1310	\$1363

(B/L 50M2011, 2011 September 19)
(B/L 70M2011, 2011 November 29)
(B/L 71M2011, 2011 November 29)

(B/L 72M2011, 2011 November 29, *effective 2014 January 01*)
(B/L 56M2014, 2014 November 28, *effective 2015 January 01*)

- (8) A reinstatement fee is not refundable.
(B/L 40M2005, 2005 July 25)

21. Every Licensee shall produce his or her license when requested to do so by the Chief License Inspector or a Police Officer.

22. (1) Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or failing to do any act or thing the person is required to do, is guilty of an offence and is liable on Summary Conviction,

(a) for a first offence, to a fine not less than THREE HUNDRED (\$300.00) DOLLARS but not exceeding TEN THOUSAND (\$10,000.00) DOLLARS or imprisonment for a period not exceeding SIXTY (60) days, or to both fine and imprisonment; and

(b) for a second offence, to a fine not less than SIX HUNDRED (\$600.00) DOLLARS but not exceeding TEN THOUSAND (\$10,000.00) DOLLARS or imprisonment for a period not exceeding SIX (6) months, or to both fine and imprisonment.

(2) Any Person who is convicted of an offence pursuant to sections 4, 16 or 18 of this Bylaw is liable to a fine of not less than ONE THOUSAND (\$1,000.00) DOLLARS and not more than TEN THOUSAND (\$10,000.00) DOLLARS or in default of payment of the fine and costs to imprisonment for not more than SIXTY (60) days, or to both fine and imprisonment.

(3) Any Person who is convicted of a second offence pursuant to sections 4, 16 or 18 of this Bylaw, and where that offence has occurred within a 24-month period

BYLAW NUMBER 47M86

subsequent to the occurrence of the initial offence against that section of the Bylaw, the minimum penalty shall be not less than TWO THOUSAND (\$2,000.00) DOLLARS and not more than TEN THOUSAND (\$10,000.00) DOLLARS or in default of payment of the fine and costs to imprisonment for not more than SIX (6) months, or to both fine and imprisonment.

- (4) Any Person who is convicted of a third or subsequent offence pursuant to sections 4, 16 or 18 of this Bylaw, and where those offences have occurred within a 24-month period subsequent to the occurrence of the initial offence against that section of the Bylaw, the minimum penalty shall not be less than THREE THOUSAND (\$3,000.00) DOLLARS and not more than TEN THOUSAND (\$10,000.00) DOLLARS or in default of payment of the fine ad costs to imprisonment for not more than SIX (6) months, or to both fine and imprisonment.

(B/L 40M2005, 2005 July 25)

23. This Bylaw comes into force on 1987 January 01.

READ A FIRST TIME THIS 24TH DAY OF NOVEMBER, 1986.

READ A SECOND TIME, AS AMENDED, THIS 24TH DAY OF NOVEMBER, 1986.

READ A THIRD TIME, AS AMENDED, THIS 24TH DAY OF NOVEMBER, 1986.

(Sgd.) R. Klein
MAYOR

(Sgd.) J.E. Woodward
CITY CLERK