

Authority: Item 11, Economic Development
and Planning Committee
Report; 08-021(PED08261)
CM: November 12, 2008

Bill No.267

CITY OF HAMILTON

BY-LAW NO. 08-267

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for the replacement of Schedules 1 and 13 of City of Hamilton By-law No. 07-170 and for other amendments to City of Hamilton By-law No. 07-170;

AND WHEREAS City of Hamilton By-law No. 08-169, the User Fees and Charges By-law, establishes fees for licences issued under Schedules 1 and 13 of City of Hamilton By-law No. 07-170;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Every occurrence of the term “adult entertainment parlour” or “adult entertainment parlours” in By-law No. 07-170 or By-law No. 08-169 is deleted and replaced with the term “adult entertainment establishment” or “adult entertainment establishments” respectively.
2. Every occurrence of the term “personal service facility” or “personal service facilities” in By-law No. 07-170 or By-law No. 08-169 is deleted and replaced with the term “personal aesthetic services”.
3. Appendix “A” of the General Provisions of By-law No. 07-170 is amended by

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deleting the word “Yes” in the column entitled “Fire Approval” for the “Butcher”, “Fish Monger” and “Precious Metals & Jewellery Dealers” rows and replacing it with “No” and by deleting the word “Yes” in the column entitled “Fire Approval” for the “Proprietary Club” row and replacing with “N/A”.

4. Appendix “B” of the General Provisions of By-law No. 07-170 is amended by deleting the words “3 Years” in the column entitled “Fire Approval” for the “Proprietary Club” row and replacing it with “N/A” and by deleting the words “3 Years” in the column entitled “Fire Approval” for the “Second-hand Shop” row and replacing it with “No”.
5. Schedule 1 of By-law No. 07-170 is deleted and replaced with the new Schedule 1, entitled “Adult Entertainment Establishments”, attached as Appendix A to this By-law.
6. All licences issued under Schedule 1 which are current and valid on the day this By-law comes into force shall be deemed to:
 - (a) be current and valid under the new Schedule 1; and
 - (b) be subject to all of the applicable provisions of By-law No. 07-170 and the new Schedule 1, including but not limited to expiring and being renewable as though they had been issued under the new Schedule 1.
7. All adult services entertainment establishment business owner licence holders and adult video store licence holders shall comply with subsection 15(d) and section 16, respectively, of Schedule 1 attached as Appendix A by filing a floor plan for approval by the Issuer of Licences upon this By-law coming into force and, if a floor plan is not filed or not approved, the Issuer of Licences may make a recommendation under section 14 of the General Provisions of By-law No. 07-170.
8. Schedule 13 of By-law No. 07-170 is deleted and replaced with the new Schedule 13, entitled “Personal Aesthetic Services”, attached as Appendix B to this By-law.

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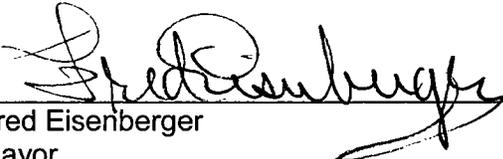
9. All licences issued under Schedule 13 which are current and valid on the day this By-law comes into force shall be deemed to:

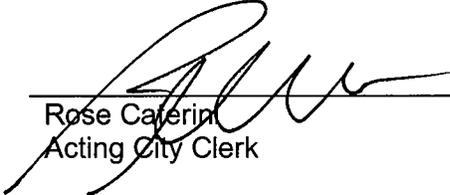
(a) be current and valid under the new Schedule 13; and

(c) be subject to all of the applicable provisions of By-law 07-170 and the new Schedule 13, including but not limited to expiring and being renewable as though they had been issued under the new Schedule 13.

10. This By-law comes into force on the day it is passed.

PASSED and ENACTED this 12th day of November, 2008.


Fred Eisenberger
Mayor


Rose Caterin
Acting City Clerk

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APPENDIX A

SCHEDULE 1

ADULT ENTERTAINMENT ESTABLISHMENTS

PART I: DEFINITIONS

1. In this Schedule:

Adult Entertainment Establishment

- (a) “**adult entertainment establishment**” means any premises or part of a premises in which are provided, in pursuance of a business, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations and includes an adult services entertainment establishment and an adult video store;

Adult Services Entertainment Establishment

- (b) “**adult services entertainment establishment**” means any premises or part of a premises in which adult services are provided by one or more individuals by means of physical movements, verbal expressions, or other forms of behaviour;
- (c) “**adult services**” means services appealing to or designed to appeal to erotic or sexual appetites or inclinations and includes but is not limited to:
- (i) services of which a principal feature or characteristic is the nudity, or partial nudity of any person;
 - (ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; and

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- (iii) activities, facilities, performances, dances, exhibitions, viewings and encounters in an adult services entertainment establishment;
- (d) “**attendant**” means any person who provides adult services in an adult services entertainment establishment;
- (e) “**business owner**” means a person who owns or occupies or has the right to own or occupy, an adult services entertainment establishment, and includes but is not limited to a lessee of an adult services entertainment establishment or of the premises in which the adult services entertainment establishment is located;
- (f) “**main stage**” means the primary area within an adult services entertainment establishment upon which services are presented, and excludes areas for the seating of customers;
- (g) “**operator**” means a person who operates, manages, supervises, controls or is responsible for the business of an adult services entertainment establishment;
- (h) “**to provide**” when used in relation to adult services includes to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings;

Adult Video Store

- (i) “**adult video**” means a video classified by the Ontario Film Review Board as “restricted” and approved by the Ontario Film Review Board as an “adult sex film”;
- (j) “**adult video area**” means the part of a Class B adult video store used for the provision of adult videos;
- (k) “**adult video store**” means a Class A adult video store or a Class B adult

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video store;

- (l) **“Class A adult video store”** means any premises where the number of adult videos available from the premises exceeds 500, or where the number of adult videos available from the premises is more than 20% of the videos available from the premises which are not adult videos, and does not include a Class B adult video store;
- (m) **“Class B adult video store”** means any premises where the number of adult videos available from the premises does not exceed 500 and where the number of adult videos available from the premises is not more than 20% of the videos available from the premises which are not adult videos, but does not include premises where the area displaying adult videos is no more than 5% or 9.3 m², whichever is less, of the total area displaying videos on the premises;
- (n) **“to provide”** when used in relation to adult videos includes to sell, offer to sell or display for sale, or rental, or sample gift, by retail or otherwise such adult videos, and “providing” and “provision” have corresponding meanings;
- (o) **“specified body area”** means any one or more of the following:
 - (i) in the case of a female person, her areolae; and
 - (ii) in the case of all persons, the genitals and the anus;
- (p) **“specified sexual activity”** means any one or more of the following: actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, bestiality, oral sexual intercourse, direct physical stimulation of unclothed genital organs, or flagellation or torture in the context of a sexual relationship or activity; and
- (q) **“video”** means film, pre-recorded magnetic tape, video and audio cassettes, and any other medium which may be used to produce images such as moving pictures, laser discs and laser players, digital video disc (DVD),

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computer software and microchips.

PART II: LICENCES

GENERAL

Adult Entertainment Establishment

2. No licence shall be issued to an applicant that is:
 - (a) a corporation, if any one of the applicant's officers, directors or shareholders is less than eighteen years of age;
 - (b) a partnership, if any one of the applicant's partners is less than eighteen years of age;
 - (c) an individual, if the individual is less than eighteen years of age.

Adult Services Entertainment Establishment

3. No person shall carry on or in engage in the business of a business owner or operator of, or an attendant in an adult services entertainment establishment without holding a current, valid licence issued under this By-law.
4. Only an individual may be issued an operator or an attendant licence.
5. A separate business owner licence or operator licence shall be taken out in respect of each adult services entertainment establishment.
- 6.(1) Where a business owner does not personally operate their adult services entertainment establishment, every person operating such adult services entertainment establishment shall obtain a licence so to do, but nothing herein relieves such a business owner from the requirement that they obtain a licence as business owner of such adult services entertainment establishment.

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- (2) A business owner who manages their own adult services entertainment establishment shall notify the Issuer of Licences of this at the time they obtain their licence so that their licence may be endorsed accordingly and the business owner shall notify the Issuer of Licences to have the said endorsement amended before engaging any operator to operate the adult services entertainment establishment.
 - (3) An operator shall notify the Issuer of Licences of the name of the business owner whose adult services entertainment establishment they intend to operate at the time they obtain their licence so that their licence may be endorsed accordingly and the operator shall notify the Issuer of Licences to have the said endorsement amended before operating any other adult services entertainment establishment.
 - (4) The Issuer of Licences shall issue a photo identification card to each licensed business owner, operator and each licensed attendant. The licence holder shall be re-photographed every third year or sooner if required by the Issuer of Licences.
- 7.(1) No adult services entertainment establishment shall be located, and no licence may be issued, except for adult services entertainment establishments in areas as permitted by this section, and no licences shall be issued in number greater than permitted by this section.
- (2) Subject to subsection (3), Council may consider a request to substitute a new location for an existing adult services entertainment establishment location provided that any requested new location shall conform to the following:
 - (a) the adult services entertainment establishment shall be located or licensed on a lot zoned “HH”, “I”, “JJ”, “K”, “KK” or “M-11” under Zoning By-law 6593 of the former City of Hamilton; and
 - (b) the lot on which the adult services entertainment establishment is located shall have a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district or zone.
 - (3) Subject to this Schedule, the premises at the following municipal addresses licensed and in actual use as an adult services entertainment establishment on November 12,

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2008, are each deemed to be a location where one adult services entertainment establishment is permitted to operate and eligible to be licensed only for so long as the premises continues to be used for such purposes, the business owner maintains their licence and the business carried on therein is in compliance with this By-law and all other applicable law:

(a) 92 Barton Street East, Hamilton;

(b) 95 King Street East, Hamilton;

(c) 1038 Barton Street East, Hamilton.

(4) Subject to subsection (5), the total number of adult services entertainment establishment business owner licences to be issued under this Schedule is three.

(5) The total number of adult services entertainment establishment licences to be issued under this Schedule shall be reduced from three, if an adult services entertainment establishment licence expires without renewal by the licence holder or if a licence is otherwise surrendered or lawfully revoked, so that the number of licences is reduced to two.

(6) When the total number of adult services entertainment establishment business owner licences has been reduced to two and a business owner licence expires without renewal or a business owner licence is otherwise surrendered or revoked, then upon receipt of a complete application which otherwise complies with this By-law, the Issuer of Licences shall carry out a selection process for a licence as follows:

(a) the available business owner licence shall be advertised in the Hamilton Spectator newspaper and on the City's website inviting the submission of applications within a specified period of time;

(b) a draw shall be conducted from all of the submitted, complete applications which otherwise comply with this By-law; and

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(c) the winner of the draw may be issued a business owner licence for the vacant location, or an alternate location approved by Council that conforms to the criteria set out herein for consideration of a new location.

(7) No business owner shall have an interest, whether as a corporation, a partnership or an individual, in more than one adult services entertainment establishment business owner licence.

Adult Video Store

8. No person shall carry on the business of an adult video store without holding a current, valid licence issued under this By-law.

9. A separate licence shall be taken out in respect of each adult video store.

Class A Adult Video Store

10.(1) No Class A adult video store shall be located, and no licence may be issued, except for Class A adult video stores in areas as permitted by this section, and no licences shall be issued in number greater than permitted by this section.

(2) Subject to subsection (3), Council may consider a request to substitute a new location for an existing Class A adult video store location provided that any requested new location shall conform to the following:

(a) the Class A adult video store shall be located or licensed on a lot zoned "HH", "I", "JJ", "K", "KK" or "M-11" under Zoning By-law 6593 of the former City of Hamilton; and

(b) the lot on which the Class A adult video store is located shall have a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district or zone.

(3) Subject to this Schedule, the premises at the following municipal addresses licensed

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and in actual use as a Class A adult video store on November 12, 2008, are each deemed to be a location where one Class A adult video store is permitted to operate and eligible to be licensed only for so long as the premises continues to be used for such purposes, the licence holder maintains their licence and the business carried on therein is in compliance with this By-law and all other applicable law:

- (a) 8 Fennell Avenue West, Hamilton;
 - (b) 128 Parkdale Avenue North, Hamilton.
- (4) The total number of Class A video store licences to be issued under this Schedule is two.
- (5) When a Class A video store licence expires without renewal or a Class A video store licence is otherwise surrendered or revoked, then upon receipt of a complete application which otherwise complies with this By-law, the Issuer of Licences shall carry out a selection process for a licence as follows:
- (a) the available licence shall be advertised in the Hamilton Spectator newspaper and on the City's website inviting the submission of applications within a specified period of time;
 - (b) a draw shall be conducted from all of the submitted, complete applications which otherwise comply with this By-law; and
 - (c) the winner of the draw may be issued a licence for the vacant location, or an alternate location approved by Council that conforms to the criteria set out herein for consideration of a new location.
- (6) No licence shall be issued under subsection (5) to an applicant who has an interest, whether as a corporation, a partnership or an individual, in a current and valid Class A adult video store licence.

INFORMATION TO BE PROVIDED BY APPLICANT

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INFORMATION TO BE PROVIDED BY APPLICANT

Adult Entertainment Establishment

11. On every application for a licence or for the renewal of a licence:
 - (a) the applicant shall attend in person, and not by an agent, at the office of the Issuer of Licences to file the application provided by the Issuer of Licences and shall furnish such information as the Issuer of Licences may direct;
 - (b) if the applicant is not an individual, the application shall be filed and updated from time to time as this By-law requires by an individual duly authorized by the applicant to sign such application on behalf of the applicant and to bind it, and the individual filing such application shall certify the truth and completeness of the information provided.

12. When filing an application for a licence, in addition to complying with the General Provisions of this By-law, an applicant shall file:
 - (a) if the applicant is a corporation:
 - (i) a copy of its letters of incorporation or other incorporating document certified by the proper government official or department, a copy of the last information return filed for the corporation and any changes or corrections to the information it contains;
 - (ii) a list containing the full name of each officer, director and shareholder, the address of their ordinary residence, their telephone number and their date of birth;
 - (iii) the name or names under which the applicant intends to carry on in the business; and
 - (iv) the address of the corporation to which the Issuer of Licences may send or deliver any notice or other document required or authorized

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by law;

- (b) if the applicant is a partnership:
 - (i) a list containing the full name of each partner, the address of their ordinary residence, their telephone number and their date of birth;
 - (ii) the name or names under which the applicant intends to carry on in the business; and
 - (iii) the address of the partnership to which the Issuer of Licences may send or deliver any notice or other document required or authorized by law;
- (c) if the applicant is an individual:
 - (i) the name of the individual, the address of their ordinary residence, their telephone number and their date of birth; and
 - (ii) the address of the individual to which the Issuer of Licences may send or deliver any notice or other document required or authorized by law.

13. When filing an application for a licence renewal, in addition to complying with the General Provisions of this By-law, an applicant shall, at the time of making an application:

- (a) sign a form certifying that there are no changes to the information required to be filed under the General Provisions or this Schedule;
- (b) if the applicant is a corporation, file every third year a copy of the last information return filed for the corporation and any changes or corrections to the information it contains; and
- (c) if the licence is an adult services entertainment establishment business owner licence or a Class A adult video store licence, file every third year the

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information respecting the owner of the location as set out under subsections 15(b) and (c) for an adult services entertainment business owner licence and under subsections 17(b) and (c) for a Class A adult video store licence.

14. Every licence holder shall advise the Issuer of Licences immediately in writing of any change to the information required to be filed in respect of their licence under the General Provisions or this Schedule, provided that no licence holder shall change or cause a change to be made to a floor plan without first obtaining the approval of the Issuer of Licences.

Adult Services Entertainment Establishment

15. When filing an application for a licence, an applicant for an adult services entertainment establishment business owner licence shall file:
 - (a) the municipal address of one location from which the business is to be carried on and in respect of which a licence is sought;
 - (b) the name and address of the owner of the location as registered under the *Land Titles Act* or the *Registry Act*;
 - (c) documentation demonstrating the applicant's right to possess or occupy the location and if the applicant is not the owner of the location as registered under the *Land Titles Act* or the *Registry Act*, the applicant shall file a copy of a lease or other document constituting or affecting their legal relationship with the owner of the location; and
 - (d) a detailed floor plan, drawn to scale, of the adult services entertainment establishment that has been approved by the Issuer of Licences and the details of such floor plan shall include but are not limited to depicting the location of one main stage and of seating areas, offices, cloak rooms, disc jockey areas, kitchen facilities, bar areas, dressing rooms, washrooms, storage areas and entrances/exits.

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Adult Video Store

16. When filing an application for a licence, an applicant for an adult video store licence shall file a detailed floor plan, drawn to scale, of the adult video store that has been approved by the Issuer of Licences and the details of such floor plan shall include but are not limited to depicting the location of entrances/exits to the adult video store and, for a Class B adult video store licence, the location of and entrances/exits to one adult video area.

Class A Adult Video Store

17. When filing an application for a licence, an applicant for a Class A adult video store licence shall file:
- (a) the municipal address of one location from which the business is to be carried on and in respect of which a licence is sought;
 - (b) the name and address of the owner of the location as registered under the *Land Titles Act* or the *Registry Act*; and
 - (c) documentation demonstrating the applicant's right to possess or occupy the location and if the applicant is not the owner of the location as registered under the *Land Titles Act* or the *Registry Act*, the applicant shall file a copy of a lease or other document constituting or affecting their legal relationship with the owner of the location.

EXPIRATION

Adult Entertainment Establishment

18. No licence issued under this Schedule is transferable.
19. Where:
- (a) by a transfer of existing shares, by an issue of new or existing shares, or by

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some other means, the controlling interest in a corporation holding a licence is determined by the Issuer of Licences to have changed hands;

- (b) one or more partner in a partnership holding a licence is determined by the Issuer of Licences to have ceased to be a partner or the partnership is determined by the Issuer of Licences to have ceased to exist,

a licence issued under this Schedule shall be deemed to have expired.

PART III: DUTIES OF LICENCE HOLDERS

Adult Entertainment Establishment

20. Every licence holder shall:

- (a) produce their licence for inspection upon demand by a person assigned or appointed by the Issuer of Licences to enforce this Schedule; and
- (b) be civil in all dealings with the customers and members of the public.

Adult Services Entertainment Establishment

21. A business owner shall:

- (a) not permit any person other than a licensed operator to operate the adult services entertainment establishment;
- (b) not permit any person other than a licensed attendant to provide adult services in the adult services entertainment establishment;
- (c) at all times when operating an adult services entertainment establishment, carry on their person their photo identification card.

22. An operator shall not operate an adult services entertainment establishment unless:

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- (a) the business owner is licensed under this Schedule;
- (b) they first notify the Issuer of Licences of the name of the business owner whose adult services entertainment establishment they intend to operate;
- (c) they have the business owner's name endorsed on their licence; and
- (d) at all times when operating an adult services entertainment establishment, they carry on their person their photo identification card.

23. An adult services entertainment establishment business owner or operator shall:

Premises

- (a) post their licence in a conspicuous place in the adult services entertainment establishment at all times;
- (b) post a copy of the approved floor plan at all public entrances/exits and in the attendants' dressing rooms;
- (c) keep the premises in a clean and sanitary condition;
- (d) display no more than two signs on the exterior premises of the adult services entertainment establishment that comply with paragraphs (d)(i) to (v) inclusive:
 - (i) the signs shall not exceed 0.3 square metres in area;
 - (ii) the signs shall be illuminated only by a non-flashing indirect or interior means;
 - (iii) one of the signs shall be located over the street door or in the lower front window bearing only the words "Licensed Adult Entertainment Establishment Licence - No. _____", complete with the licence

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- number inserted;
- (iv) one of the signs shall have a depth of not more than 7.6 centimetres flat against a wall or door, bearing only the following information:
 - a. the business owner's name as shown on the licence;
 - b. the name, if any, under which the business owner carries on business as endorsed on their licence;
 - c. the address of the adult services entertainment establishment;
 - d. the telephone number of the adult services entertainment establishment;
 - (v) the signs shall not include any other letters, marks, painting, contrasting colours, symbol, logo, or any mark whatsoever;
 - (e) except as otherwise provided in this section, not advertise or use advertising devices or permit any person to advertise or use advertising devices inside or outside the premises, including but not limited to any printed matter, oral or other communication or thing posted or distributed for the purpose of promoting their adult services entertainment establishment or the adult services provided therein;
 - (f) not carry on or permit the carrying on of the business unless the licensed business owner or a licensed operator is present at the adult services entertainment establishment;
 - (g) except where otherwise provided in this Schedule, close or cause to be closed the adult services entertainment establishment at 2:00 a.m. and remain closed until 8:00 a.m. every day when the adult services entertainment establishment is open;
 - (h) post a sign in the attendants' dressing rooms, at all public entrances/exits and in the washrooms that includes the following statements:
 - physical contact with the attendants is prohibited; and

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- sexually transmitted infections can be passed on through unprotected sexual contact and that can be easily read by any person approaching;

Adult Services

- (i) retain the photo identification card of each attendant in their possession during the term of employment of the attendant and post it in a conspicuous place in the adult services entertainment establishment;
 - (j) return each attendant's photo identification card to the attendant upon the termination of their employment;
 - (k) not permit any person, other than a licensed attendant, to provide an adult service in the adult services entertainment establishment;
 - (l) not permit an attendant, while providing adult services, to have physical contact with another person's body, or another person to have physical contact with an attendant;
 - (m) ensure that all adult services provided by an attendant are clearly visible from the main stage, without obstruction or obscuration by any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting; and
 - (n) ensure that no adult services are visible from the exterior of the premises.
24. An attendant shall not:
- (a) provide any adult services unless their photo identification card is posted throughout the term of their employment as an attendant in a conspicuous place in the adult services entertainment establishment;
 - (b) provide any adult services unless the business owner or the operator is

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licensed as business owner or operator of the adult services entertainment establishment;

- (c) during the provision of adult services, have physical contact with another person's body, or permit another person to have physical contact with their body;
- (d) provide adult services which are not clearly visible from the main stage, without obstruction or obscuration by any thing, including but not limited to walls, curtains, glass, enclosures, structures, fog, or inadequate lighting;
- (e) provide any adult services that are visible from the exterior of the premises.

Adult Video Store

25. An adult video store licence holder shall:

- (a) post their licence in a conspicuous place in the adult entertainment establishment at all times;
- (b) keep the premises in a clean and sanitary condition;
- (c) not use exterior signs or advertisements for the store which use a pictorial representation of a specified body area or a specified sexual activity;
- (d) advertise and carry on the business only under the name in which the licence is issued, or such other name as provided to the Issuer of Licences and endorsed on the licence;
- (e) not permit the viewing of adult videos on the premises.

Class A Adult Video Store

26. In addition to complying with section 25, a Class A adult video store licence holder shall:

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- (a) not permit any person under the age of eighteen years to enter or remain in such store;
- (b) not permit any employee under the age of eighteen years to work in such store;
- (c) post and keep posted at every public entrance/exit to the video store, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching the store, and to every person in the store, that no person under the age of eighteen years is permitted to enter or remain in such store or any part of it; and
- (e) display adult videos or adult video packaging which reveals a specified body area or a specified sexual activity so that they may not be viewed by any member of the public outside the premises;

Class B Adult Video Store

27. In addition to complying with section 25, a Class B adult video store licence holder shall:
- (a) display adult videos only in an adult video area;
 - (b) not permit any person under the age of eighteen years to enter or remain in the adult video area;
 - (c) not permit any employee under the age of eighteen years to work in the adult video area;
 - (d) post at every public entrance/exit to the adult video area signs sufficient to indicate clearly to any person approaching the adult video area that no person under the age of eighteen years is permitted to enter or remain in such adult video area;

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- (e) display adult videos or adult video packaging which reveals a specified body area or a specified sexual activity so that they may not be viewed by any member of the public outside the adult video area;
- (f) ensure that adult videos or adult video packaging which reveals a specified body area or a specified sexual activity while being transported from the adult video area to the cashier, if located outside the adult video area, are enclosed in an opaque bag or other container so that they are not visible;
and
- (g) inform any employees of the video store of the boundaries of the adult video area and the requirement that persons under the age of eighteen years not be allowed to enter or remain in the designated area.

PART IV: ENFORCEMENT AND INSPECTION

28. A person assigned or appointed by the Issuer of Licences to enforce this Schedule may, at all reasonable times, inspect an adult entertainment establishment.

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APPENDIX B

SCHEDULE 13

PERSONAL AESTHETIC SERVICES

PART I: DEFINITIONS

1. In this Schedule:
 - (a) “**personal aesthetic service**” means a service provided for any part of the human body where there is a risk of exposure to blood and includes, but is not limited to, hairdressing, barbering, manicure, pedicure, tattooing, micro-pigmentation, body-waxing, body-piercing and electrolysis services.
 - (b) A personal aesthetic service does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

PART II: LICENCE

- 2.(1) No person shall carry on a personal aesthetic service business without a licence.
- (2) Every person required to obtain a licence under this Schedule shall obtain a separate licence in respect of each premises where a personal aesthetic service business is carried on.

PART III: DUTIES OF LICENCE HOLDERS

3. Every person who carries on a personal aesthetic service business shall comply with the “Ministry of Health Infection Control in Personal Services Settings Protocol”, January 1998, and the requirements of the Medical Officer of Health.
4. No person who carries on a personal aesthetic service business shall permit their

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employee or any person to provide a personal aesthetic service for a customer or any person who they reasonably suspect has been exposed to or is suffering from a communicable disease.

5. Every person who carries on a personal aesthetic service business shall keep the personal aesthetic service business in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.

PART IV: ENFORCEMENT AND INSPECTION

6. A Public Health Inspector or a Municipal Law Enforcement Officer appointed under any City by-law or any other person assigned or appointed by the Issuer of Licences or the Medical Officer of Health may enforce the provisions of this Schedule and may, at all reasonable times, inspect a personal aesthetic service business.