

The Corporation of the Town of Ajax
By-Law Number 76-2004

Whereas the Municipal Act, 2001, S.O 2001, authorizes a municipal council to pass by-laws for licensing, regulating, governing, classifying and inspecting any business wholly or partly carried on within the municipality, including body-rub parlours and includes the authorization to enact legislation with regard to persons who provide services in connection with any such business;

And Whereas Section 150 of the Act authorizes Council to pass by-laws for licensing, regulating and governing any business carried on within a municipality and includes the authority for Council to enact legislation with regard to persons who provide services in connection with any such businesses;

And Whereas Section 151 of the Act, authorizes Council to pass by-laws for licensing, regulating, governing, classifying and inspecting body-rub parlours and for revoking or suspending any such license and for limiting the number of licenses to be granted;

And Whereas Council deems it advisable, having regard among other matters to the health and safety of those within its jurisdiction, to the potential for public nuisance and to protect the consumer, to enact a by-law to regulate the scope of activities that may be carried on at body-rub parlours;

And Whereas a public information meeting was held in Council Chambers of the Town of Ajax to discuss the proposed By-law on June 7, 2004;

Now Therefore, the Corporation of the Town of Ajax hereby enacts as follows:

1. SHORT TITLE

1.1 This By-law may be cited as the Body-rub By-law.

2. DEFINITIONS

2.1 In this By-law,

- (a) "Adult entertainment service" means any service appealing to or designed to appeal to erotic or sexual appetites or inclinations, any other service involving sexual touching; any other service offered, performed, provided or received with the purposes or effect of sexual arousal or stimulation; and any service directly or indirectly advertised or described as involving any of such services;
- (b) "Attendant" means a person who, in pursuance of a trade, business or occupation, provides Body-rubs at a Body-rub parlour;
- (c) "Body-rub" means the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
- (d) "Body-rub parlour" means any premises or part thereof where a Body-rub is performed, offered or solicited in pursuance of a trade, calling, business, or occupation, but does not include any premises or part thereof where the Body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;
- (e) "Committee" means the Committee of Council to which Council has delegated the responsibility of handling licensing matters;

- (f) "Council" means the Council of The Corporation of the Town of Ajax;
- (g) "License" means an authorization under this By-law to carry on the trade, calling, business or occupation specified therein;
- (h) "Licensing officer" means a person appointed by the Town to issue licenses, and includes a person appointed by Council for the express purpose of issuing licenses under this by-law;
- (i) "Medical officer of health" means the Medical Officer of Health for the Regional Municipality of Durham;
- (j) "Operator" means a person who, alone or with others, operates, manages, supervises, runs or directs the trade, calling, business or occupation carried on at a Body-rub parlour;
- (k) "Owner" means a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a Body-rub parlour or who directs the activities of an Operator and "Owner" includes a person who is the tenant or licensee in respect of premises which are utilized as a Body-rub parlour;
- (l) "Person" means a natural individual, and heir heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;
- (m) "Sign" includes any Sign as defined pursuant to Town of Ajax Sign By-law, as amended;
- (n) "to Provide" when used in relation to Body-rubs means offering to provide or causing or permitting the provision of a Body-rub and "provides", "providing" and "provision" have corresponding meanings;
- (o) "Town" means The Corporation of the Town of Ajax in the Regional Municipality of Durham;

3. GENERAL

- 3.1 No Person shall be an Owner of a Body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body-rub parlour License.
- 3.2 No Person shall be an Operator of a Body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body-rub Operator's License.
- 3.3 No Person shall be an Attendant of a Body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body-rub Attendant's License.
- 3.4 No Person shall be an Owner or Operator of a Body-rub parlour or be an Attendant of a Body-rub parlour or Provide any Body-rub in a Body-rub parlour except in compliance with the following regulations:
 - (a) No Person shall Provide or receive any Adult entertainment services or any services designed to appeal to erotic or sexual appetites in a Body-rub parlour.
 - (b) No Person shall Provide Body-rubs in a Body-rub parlour to any Person under the age of eighteen years and no Person under the age of eighteen years may be allowed to enter or remain in any part of a Body-rub parlour;

- (c) Every Owner and/or Operator shall ensure that there is posted in a prominent location at the entrance to the Body-rub parlour a Sign indicating that no Person under the age of eighteen years may enter or remain in such premises;
- (d) No Owner or Operator shall permit any employee or Person under contract to work at a Body-rub parlour unless such Person is at least 18 years of age and such Person has been instructed with regard to the regulations of this By-law and complies with these regulations;
- (e) No Owner or Operator shall permit a Body-rub parlour to be open for business unless the Owner or Operator is in attendance in person on the premises;
- (f) With the exception of patent medicines and prescription drugs required for medicinal purposes, no Person shall take, or consume, or have in their possession, or permit on the premises, alcohol or drugs in a Body-rub parlour;
- (g) No Owner or Operator shall permit any Person who appears to be intoxicated by alcohol or a drug to enter or remain in a Body-rub parlour;
- (h) No Person shall advertise or promote a Body-rub parlour or the provision of Body-rubs at a Body-rub parlour except in accordance with the provisions of this By-law respecting "Signs and Advertisements";
- (i) No Owner or Operator shall permit a Body-rub parlour to open or to remain open for business except in compliance with the provisions of this By-law respecting "Hours of Operation";
- (j) No Person shall own or operate a Body-rub parlour except in compliance with the provisions of this By-law respecting "Location Restrictions and Limitations on Number";
- (k) No Person shall own or operate a Body-rub parlour except in compliance with the provision of this By-law respecting "Design of Premises";
- (l) Every Owner and Operator shall keep the Body-rub parlour License issued in respect of a Body-rub parlour posted in a conspicuous place in the said premises in a manner visible to the patrons of the establishment at all times during the currency of the License;
- (m) No Owner or Operator shall permit any Attendant to Provide Body-rubs at a Body-rub parlour unless such Attendant is licensed pursuant to the provisions of this By-law and such License has not expired, been revoked or suspended;
- (n) No Attendant shall Provide Body-rubs at a Body-rub parlour unless there is another Person in attendance at the premises, who is a licensed Body-rub parlour Owner or Operator, and his or her License has not expired, been revoked, or suspended;
- (o) An Owner shall enter into a written contract for services with each Operator and each Attendant at a Body-rub parlour and such contracts shall be made available to a Licensing officer upon request for inspection at any time during business hours of the Body-rub parlour and during all times when Body-rubs are Provided, and shall be retained by an Owner or Operator for a period of six months after the termination or completion of such contract.

- (p) Every Owner shall post and maintain, in a prominent location that is satisfactory to the Licensing officer, a copy of all Operator's and Attendant's Licenses issued in respect to the Body-rub parlour
- (q) Every Attendant, Owner and Operator at a body rub parlour shall be clothed in a manner such that each such Person's pubic and genital area, and in the case of a woman her breasts, are fully covered by opaque material.
- (r) No Owner, or Operator shall use or permit to be used any camera or other photographic or recording device at a Body-rub parlour by any Person. Notwithstanding the foregoing, a public health inspector acting under the direction of the Medical Officer of Health, the Licensing officer, a Police Officer or a Municipal Law Enforcement Officer may use a camera or other photographic or recording device at a Body-rub parlour during the course of an inspection or investigation thereof. In addition, an Owner or an Operator may maintain a photographic device in the entrance lobby of the premises for security purposes;
- (s) Every Owner shall post and maintain in the lobby or entrance of the body rub parlour, in a manner that is satisfactory to the Licensing officer, a Sign which provides as follows: "This premise is licensed as a Body-rub parlour by the Town of Ajax. The By-law regulating this premises makes it an offence for any Person to Provide or receive services in a Body-rub parlour that are designed to appeal to erotic or sexual appetites."
- (t) No Attendant shall Provide or offer to Provide services to any Person unless such Person's pubic area and genital area, and buttocks and, in the case of a woman, her breasts are completely and opaquely covered.
- (u) No Owner or Operator shall permit any Attendant to Provide or offer to Provide services to any Person unless such Person's pubic and genital area, and buttocks and, in the case of a woman, her breasts are completely and opaquely covered.
- (v) Every Body-rub parlour Owner and Operator shall ensure that no services are Provided at the Body-rub parlour other than in accordance with the requirements of this by-law.
- (w) No Person shall Provide a body rub in a Body-rub parlour unless the Owner of the Body-rub parlour holds a Body-rub parlour License, which has not expired, been revoked or suspended.
- (x) No Person shall be an Operator of a Body-rub parlour unless the Owner of the Body-rub parlour holds a Body-rub parlour License which has not expired, been revoked, or suspended.
- (y) Every Attendant shall ensure the window provided to permit the observation of Body-rubs by third parties remains unobstructed.

4. SIGNS AND ADVERTISEMENTS

- 4.1 No Person may erect or maintain any Sign advertising a Body-rub parlour or that Body-rubs are Provided from such premises except in accordance with Town By-laws, including Town Sign By-law (as amended). Notwithstanding the provisions of Town Sign By-law (as amended), no Person may erect or maintain any Sign advertising a Body-rub parlour except in accordance with the following additional regulations:
 - (a) No Person may erect or maintain any of the following Signs in respect of Body-rub parlour or in respect of any Body-rubs Provided

from such premises;

- A-Frame Sign
- Directional Sign
- Portable Sign
- Poster Sign

- (b) No Person may circulate, post, distribute or cause to be circulated, posted, or distributed any poster, flyer, handbill or other form of printed Sign on premises or locations other than the Body-rub parlour, with the exception of advertising located in a newspaper or in the Yellow Pages;
- (c) Nothing within this By-law shall be deemed to constrain any Person from erecting or maintaining any Sign or advertising on any interior wall of a Body-rub parlour, provided the content of such Sign is not visible from the exterior of the Body-rub parlour;
- (d) No Person may erect or maintain any Sign or advertising in respect of a Body-rub parlour which includes any letters, markings, symbols, pictures or representations except the name of the Body-rub parlour as recorded on the application for License and any registered copyright logo or symbol, provided a copy of such logo or symbol is approved by the Licensing officer as part of the licensing process;

5. DESIGN OF PREMISES

- 5.1 No Person may be an Owner or Operator of a Body-rub parlour except in accordance with the following regulations:

- (a) The Owner or Operator shall provide the Licensing officer with a floor plan showing the designated room or rooms for the provision of Body-rubs and no Person may Provide Body-rubs in any other room, cubicle, enclosure or partitioned area located within the Body-rub parlour. In the event that the Owner or Operator wishes to amend the floor plan, he/she shall first file with the Licensing officer a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licensing officer;
- (b) Save and except for one room designated by the Owner or Operator for use as an office and one room designated by the Owner or Operator as a storage room, and in which no Body-rub shall be performed every Owner or Operator shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a Body-rub parlour is equipped or constructed with a locking device of any kind or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such area;
- (c) During the hours of operation of a Body-rub parlour the Owner, Operator and Attendant shall ensure that the principal means of access into the Body-rub parlour is unlocked and available so that anyone coming into the Body-rub parlour may enter therein without hindrance or delay;
- (d) No premises or part thereof used as a Body-rub parlour shall be used as a dwelling or for sleeping purposes or contain therein any furniture which is commonly used or which may be used for sleeping purposes;
- (e) Every Body-rub parlour shall be equipped with a window to permit observation of the provision of Body-rubs by third parties. The window must be at least 8 cm wide and 13 cm tall, clear glass, located in the door to each massage room at a height of not less than 1.5 m and not greater than 1.7 m and must not be obstructed in any way.

- (f) Every Body-rub parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and that is uniformly distributed throughout the premises;
- (g) Every Body-rub parlour and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;
- (h) Every Body-rub parlour shall be equipped with an effective utility sink;
- (i) Adequate toilet and washroom accommodation shall be provided in accordance with the regulations set forth under the Ontario Building Code Act (as amended);
- (j) Washrooms shall be equipped with:
 - (i) an adequate supply of hot and cold water;
 - (ii) an adequate supply of liquid soap in a suitable container or dispenser;
 - (iii) hot air dryers or individual towels in a suitable container or dispenser;
 - (iv) a suitable receptacle for used towels and waste material;
- (k) In all shower-bathrooms, if any, and in all sauna-bath rooms, if any:
 - (i) the floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (ii) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (iii) all showers must have removable and cleanable drain covers;
 - (iv) floor surfaces both within and without the enclosures shall be of non-slip type;
- (l) Every Owner and Operator shall provide and maintain at all times at the Body-rub parlour a first-aid kit equipped in a manner satisfactory to Medical Officer of Health;
- (m) Every Body-rub parlour shall be constructed in accordance with the Ontario Building Code (as amended) and every applicant for an Owner's License shall provide the Licensing officer with such drawings as may be required to assess compliance in this regard;
- (n) Every Body-rub parlour shall comply with the Fire Protection and Prevention Act, S.O 1997, as amended from time to time, and regulations thereto.

6. HOURS OF OPERATION

- 6.1 No Owner or Operator shall permit a Body-rub parlour to be open for business and no Attendant at a Body-rub parlour shall Provide Body-rubs in a Body-rub parlour except between the hours of 8:00 A.M. and 9:00 P.M. on any given day.
- 6.2 Every Owner, Operator and Attendant shall ensure the hours of operation of the Body-rub parlour are posted on a Sign in a conspicuous place, visible from the outside of the premises.

7. LOCATION RESTRICTIONS AND LIMITATION ON NUMBER

- 7.1 The number of Body-rub parlours which may be licensed within the Town of Ajax

shall be limited to four (4).

- 7.2 No Person may own or operate a Body-rub parlour from any premises except upon such lands as stated in Schedule "A".

8. NATURE OF LICENSE

- 8.1 No Person shall enjoy a vested right in the continuance of a License and the value of a License shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.
- 8.2 No Person licensed to carry on any trade, calling, business or occupation pursuant to this By-law may advertise or promote or carry on such trade, calling, business or occupation under any name other than the name endorsed upon his/her License.
- 8.3 The Licenses required by this By-law shall, unless they are expressed to be for a shorter or longer time, be for the period up to and including the 31st day of December in the year of issuance, unless they are sooner forfeited or revoked.
- 8.4 No License shall be transferred or assigned and if an Owner, Operator or Attendant sells, leases or otherwise disposes of his/her interest in the trade, calling, business or occupation carried on at a Body-rub parlour, their License in respect of such Body-rub parlour or activity shall, notwithstanding any other provision of this By-law, be revoked.
- 8.5 Every Body-rub parlour License shall have endorsed thereon the location of a Body-rub parlour and such endorsement shall be for one location only and such License shall be valid only for the location endorsed thereon.
- 8.6 Every Body-rub parlour License, Operator's License, and Attendants's License shall have endorsed thereon the location of the Body-rub parlour which they own or at which they work and such License shall be valid only for the locations endorsed thereon.
- 8.7 Where an Attendant requires the endorsement of an additional location after issuance of a License, the Attendant must first produce a copy of the written contract for services with the licensed Owner or licensed Operator of the additional location to the Licensing Officer. The Licencee will provide the Licensing Officer with 2 passport size photographs and the fee stated in Schedule "B". The original License will be surrendered to the Licensing Officer and will be null and void.
- 8.8 A duplicate License may be issued by the Licensing Officer to replace any License previously issued which has been lost, stolen or destroyed, upon written application by the licencee and payment of the fee as stated in Schedule "B" of this by-law. The licencee will provide the Licensing Officer with 2 passport size photographs with the replacement License application.

9. APPLICATION, RENEWAL AND REVOCATION OF LICENSE

- 9.1 Every applicant shall appear in person before a Licensing officer and shall complete such License application forms as may be provided from time to time by the Licensing officer in accordance with the requirements of this By-law and shall provide all information requested thereon, such information to include
- (a) a Canadian Police Clearance Letter dated within thirty (30) days of the date of the application; and
 - (b) current valid photo identification, satisfactory to the Licensing Officer

In the case of a Body-rub parlour owned by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners and in the case of a Body-rub parlour owned by a

corporation, such appearance shall be made by an officer of the corporation and not by an agent thereof.

- 9.2 Every applicant for a License, where such applicant is a natural individual, shall provide two (2) passport size photographs, which must be taken within thirty (30) days of the License application. Where the applicant is a corporation, such photographs shall be taken of an officer of the corporation. Where the applicant is a partnership, such photograph shall be taken of one of the partners.
- 9.3 Every applicant for a;
- (a) Operator's License shall provide the Licensing officer with a written contract for services between the Owner of the Body-rub parlour and the applicant and signed by the licensed Owner of the Body-rub parlour named in the application.
 - (b) Attendant's License shall provide the Licensing officer with a written contract for services between the Owner, or the Operator of the Body-rub parlour and the applicant and signed by the licensed Owner, or licensed Operator of the Body-rub parlour named in the application.

The Contract for services shall be dated within 30 days of the date of the application.

- 9.4 Every applicant for an Attendant's License shall provide the Licensing officer with a medical certificate from a qualified doctor dated within thirty (30) days of the date of the application, indicating that the applicant is free from communicable or transmissible diseases.
- 9.5 At the time of submission of an application, every applicant shall pay to the Town the fee set forth in Schedule "B" provided such fee shall not be reduced in the event that the period for which the License is granted is less than one year. If the Licensee applies to have their License renewed prior to December 31st in the calendar year it was issued, the License fee shall be reduced in accordance with the fee set forth in Schedule "B".
- 9.6 Receipt of the application and/or the License fee by the Town shall not represent approval of the application for the issuance of a License nor shall it obligate the Town to issue such License.
- 9.7 Without limiting the generality of any other provision in this By-law, Persons associated in a partnership applying for a License under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:
- (a) the full name of every partner and the address of his/her ordinary residence;
 - (b) the name or names under which they carry on or intend to carry on business;
 - (c) that the Persons therein named are the only members of the partnership; and
 - (d) the mailing address for the partnership.
- 9.8 If any member of a partnership applying for a License is a corporation, such corporation shall be deemed to be applying for an Owner's or Operator's License as appropriate in place and stead of the partnership.
- 9.9 Without limiting the generality of any other provision in this By-law, every corporation applying for a License shall file with the Licensing officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed

by an officer of the corporation, which declaration shall state:

- (a) the full name of every shareholder and the address of his/her ordinary residence;
- (b) the name or names under which it carries on or intends to carry on business;
- (c) that the Persons therein named are the only shareholders of the corporation; and
- (d) the mailing address for the corporation.

9.10 Every Person applying for a Body-rub parlour License shall file with the Licensing officer documentation satisfactory to the Licensing officer demonstrating the applicant's right to possess or occupy the premises and if any applicant is not the registered owner of the property upon which the Body-rub parlour is to be located, such Person shall file with the Licensing officer a copy of their lease, if any, and a copy of any other document constituting or affecting the legal relationship relating to the said lands or premises between said applicant and the registered owner.

9.11 The Licensing officer shall:

- (a) receive and process all applications for Licenses and renewal of Licenses to be issued under this By-law;
- (b) co-ordinate the enforcement of this By-law;
- (c) generally perform all the administrative functions conferred upon him/her by this By-law;
- (d) make or cause to be made a circulation respecting each application, which shall include circulation of the License application to the Medical Officer of Health and Municipal and Provincial Police Departments for comments;
- (e) make or cause to be made all investigations and inspections which he/she deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
- (f) issue Licenses to Persons who meet the requirements of this By-law and suspend Licenses pursuant to the requirements of this By-law;
- (g) where a License has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the Licenses of Persons who meet the requirements of this By-law;

9.12 The Licensing officer shall issue the License only where,

- (a) all the information which the applicant is required to provide under this By-law has been provided, and verified;
- (b) all the documents which the applicant is required to provide under this By-law have been provided;
- (c) the License fee is paid;
- (d) the investigations do not disclose that the issuing of such License may be adverse to the public interest;
- (e) the Licensing officer has no grounds to believe the applicant will not conduct himself/herself in accordance with the law or with honesty and integrity.

- 9.13 Where the Licensing officer determines that a License should not be issued as a result of any matter in Section 9.12 of this By-law he/she shall notify the applicant.
- 9.14 Where an applicant advises the Licensing officer in writing, that he/she disputes the determination made by the Licensing officer under Section 9.13 of this By-law or submits that the License applied for should be issued despite that determination, the matter shall be referred forthwith by the Licensing officer to the Committee which shall hear representations from the Licensing officer and the applicant.
- 9.15 The Committee may authorize the Licensing officer to issue the License where it determines that the determination in Section 9.13 of this By-law, is not sufficient to justify refusing to issue the License.
- 9.16 Where the Committee determines that a License should not be issued the Licensing officer shall advise the applicant of such determination.
- 9.17 The Licensing officer shall notify a Licencee, by registered mail, at his/her last known address or business address on record when,
- (a) he/she has cause to believe, on reasonable grounds, that any of the information which the Licencee, as an applicant or a Licencee, is required to provide, including any verification thereof, is inaccurate;
 - (b) the Licencee has been convicted of an offence which is a contravention of this by-law;
- that unless the inaccuracy, conviction, revocation, cancellation, or contravention is corrected, overturned, or reinstated within thirty days, the License shall be revoked.
- 9.18 Where a Licencee advises the Licensing officer, in writing and within thirty days that he/she disputes the revocation of the License, the matter shall be referred forthwith, to the Committee, which shall hear representations from the licencee and either confirm the revocation of the License or reinstate the License as it sees fit.
- 9.19 Unless the matter giving rise to the notice issued under section 9.17 of this By-law has been corrected, overturned or reinstated within the time allotted, the Licensing officer shall forthwith revoke the License and notify the licencee by registered mail at his/her last known address or business address on record.
- 9.20 Any License that has not been renewed as of December 31st in the year of its issuance or renewal shall expire on January 1st in the year following its issuance or renewal.

10. CHANGE OF STATUS

- 10.1 Where there is any change in any of the particulars relating to a Person licensed under this By-law, which particulars are required to be filed with the Town on applying for a License under this By-law, such Person shall report the change, in writing, to the Licensing officer within seven (7) days of the change.
- 10.2 Where there is to be a change in the composition or the controlling interest of a partnership licensed under this By-law, the Persons licensed hereunder in partnership shall obtain the approval of the Licensing officer to such change prior thereto. Where there has been any change in the controlling interest of the partnership by virtue of a number of transactions, the License may be suspended despite the Licensing officer's prior approval of any one or more such transactions.
- 10.3 Where there is to be a change in the composition or the controlling interest of

the shareholders of a corporation licensed under this By-law, the corporation shall obtain the approval of the Licensing officer to such change prior thereto. Where there has been any change in the controlling interest of the corporation by virtue of a number of transactions, the License may be suspended, despite the Licensing officer's prior approval of any one or more such transactions.

11. OFFENCE, PENALTY AND ENFORCEMENT

- 11.1 Any Person who contravenes the provisions of this By-law, including every Person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or officer of a corporation who concurs in such a contravention is guilty of an offence and, upon conviction pursuant to the provisions of the Municipal Act (as amended), is liable to;
- (a) a penalty in the case of Persons, other than a corporation, not to exceed \$25,000.00;
 - (b) a penalty in the case of a corporation, not to exceed \$50,000.00; and
 - (c) an order closing the Body-rub parlour, which is the subject of the contravention, for a period not to exceed two years.
- 11.2 The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.
- 11.3 Every Person shall comply with the provisions of this By-law applicable to him/her whether or not he/she is licensed under this By-law.
- 11.4 Every Owner, Operator and Attendant shall, during the operating hours of the Body-rub parlour and at all times when Body-rubs are Provided therein, make available for inspection by the Licensing officer, a Police Officer, a Medical Officer of Health, a Provincial Offences Officer, or a Municipal Law Enforcement Officer the original of any document or record or Licence referred to in this By-law.
- 11.5 Every Owner and every Operator of a Body-rub parlour shall, at all times during the hours of operation of the Body-rub parlour and during all hours when Body-rubs are being Provided at the Body-rub parlour, permit the entry by and the inspection of the Body-rub parlour by a Municipal Law Enforcement Officer, a Provincial Offences Officer, the Licensing officer, a Medical Officer of Health or a Police Officer.
- 11.6 No Person shall obstruct or hinder the entry or the inspection of a Body-rub parlour by a Municipal Law Enforcement Officer, a Provincial Offences Officer, the Licensing officer, a Medical officer of health or a Police Officer.

12. VALIDITY

- 12.1 The provisions of this By-law shall apply to all lands and premises within the Town of Ajax.
- 12.2 Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the By-law shall continue in full force and effect.
- 12.3 All schedules referred to in this By-law are deemed to be part of this By-law.
- 12.4 Wherever notice or materials are required to be provided to any Person pursuant to this By-law, such notice shall be deemed effective two (2) days after mailing of the materials by registered mail to the last known address of

that Person as indicated upon the License application or upon other material filed with the Town.

12.5 The provisions of this By-law:

(a) are not applicable in relation to medical or therapeutic treatment given by a Person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

13. REPEAL

13.1 By-law 73-90, "Body Rub By-law" shall be repealed.

Read a first and second time this
Fourteenth day of June, 2004

Read a third time and passed
this Fourteenth day of June 2004

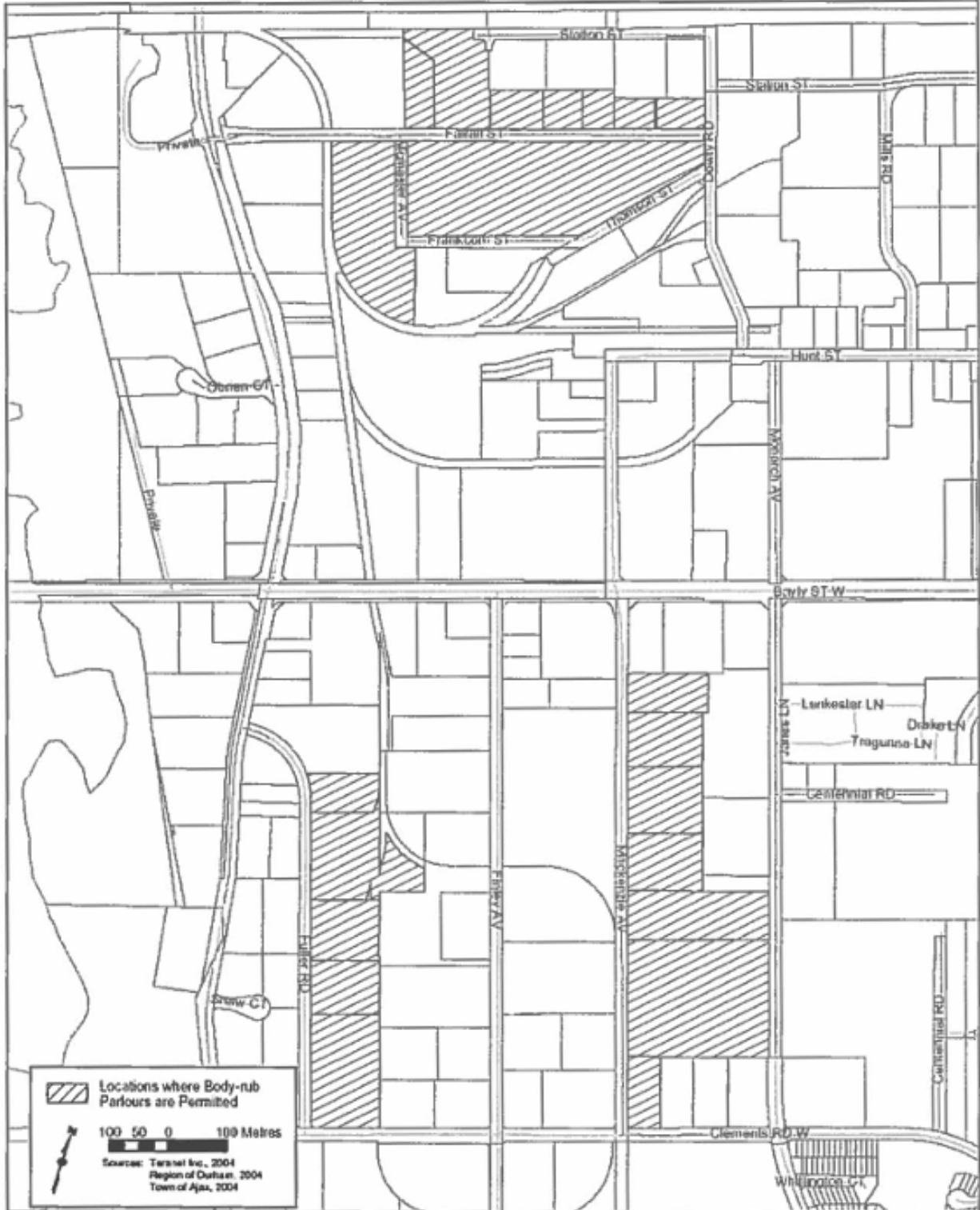
Steve Parish
Mayor

Rick Parisotto
Clerk

SCHEDULE "A"
BY-LAW # 76-004

A By-law licensing, regulating, governing, classifying, and inspecting Body-rub Parlours

Locations on Highways Where Body-rub Parlours Are Permitted



SCHEDULE "B"
BY-LAW# 76-2004

A By-law licensing, regulating, governing, classifying, and inspecting Body-rub Parlours

License	Cost
Body-rub parlour License	\$ 1000.00
Body-rub Operator's License	\$ 200.00
Body-rub Attendant's License	\$ 100.00

License Renewal (if renewed prior to expiration on December 31st)	Cost
Body-rub parlour License	\$ 850.00
Body-rub Operator's License	\$ 175.00
Body-rub Attendant's License	\$ 75.00

Additional Services	Fee
Fire Inspection	\$ 150.00
Updated Attendant's License	\$ 10.00
Replacement License	\$ 10.00