

Adult Video & Cassette & Disc Outlets

A-10 - Enacted November 3, 1993

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ADMINISTRATIVE

**By-law A-10
A by-law to provide for the
REGULATION OF ADULT VIDEO CASSETTE AND DISC OUTLETS**

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WHEREAS by section 225 of the *Municipal Act, R.S.O. 1990, c. M.45*, as amended, by-laws may be passed, among other things, for regulating, governing and classifying adult entertainment parlours;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

SHORT TITLE
ADULT VIDEO CASSETTE AND DISC OUTLETS BY-LAW

Part 1
DEFINITIONS

1.1 Definitions

In this by-law:

Adult video cassette and disc outlet - defined

"adult video cassette and disc outlet" shall mean the class of adult entertainment parlour mentioned in section 2.1 of this by-law.

Adult video cassette or disc - defined

"adult video cassette or disc" shall mean any video cassette or disc appealing to or designed to appeal to erotic or sexual appetites through the portrayal or depiction on its cover or container by means of photographs, drawings or otherwise of:

- (a) one or more of the specified body areas of any person or persons; or
- (b) one or more of the specified acts whether actual or simulated.

Operator - defined

"operator" shall mean every person who:

- (a) provides in any premises or part thereof, in pursuance of a trade, calling, business or occupation, adult video cassettes or discs; or
- (b) operates any premises or part thereof in which such video cassettes or discs are so provided.

Specified acts - defined

"specified acts" shall mean sexual intercourse, cunnilingus, fellatio, buggery, bestiality, masturbation, urination or defecation, or the bonding, flagellation, mutilation, maiming or murder of one or more human beings.

Specified body areas - defined

"specified body areas" shall mean:

- (a) in the case of a female, the nipples and areolae; and
- (b) in the case of all persons, the pubic, perineal and perianal areas and the buttocks.

To provide - defined

"to provide", when used in relating to any adult video cassette or disc, shall mean to rent, offer to rent, sell, offer to sell or display by retail or otherwise such video cassette or disc and "providing" has a corresponding meaning.

Part 2
ADULT ENTERTAINMENT PARLOUR
CLASSIFICATION

2.1 All premises - adult video cassettes - discs - provided
All premises in which or in part of which, in pursuance of a trade, calling, business or occupation, adult video cassettes or discs are provided are hereby classified as a class of adult entertainment parlour.

Part 3
VIDEO OUTLETS - OPEN TO MINORS

3.1 Display - minimum height - opaque barrier - required
Every operator providing adult video cassettes or discs in an adult video cassette and disc outlet to which persons under the age of 18 years are permitted to enter or remain shall, if the cover of each such video cassette or disc is on display to the public, place the cover or container:

- (a) at a height of 1.5 metres or more above floor level; and
- (b) behind an opaque barrier of a size and nature so that the cover or container while on display, except for the name or title thereof, may not be seen by any member of the public.

3.2 Advertisement - sign - picture - other - restriction
No operator mentioned in section 3.1 of this by-law shall post or use either inside or outside the outlet any sign, advertising or advertising device, including any printed matter, promoting any adult video cassette or disc if such sign, advertising or advertising device portrays or depicts by means of any photograph, drawing, artistic rendering or otherwise one or more of the specific body areas of any person or persons or one or more of the specified acts whether actual or simulated.

Part 4
VIDEO OUTLETS - ADULT ONLY

4.1 Admittance - restricted - requirements - set out
Every operator providing adult video cassettes or discs in an adult videocassette and disc outlet to which only persons of 18 years of age or older are permitted to enter or remain shall, if the cover or container of each such adult video cassette or disc is on display to the public, fulfil the requirements set out in sections 4.2 to 4.4 inclusive of this by-law.

4.2 Age restriction - posted - at entrances - inside

The operator of an outlet described in section 4.1 of this by-law shall post and keep posted at every entrance to such outlet and in a prominent location inside such outlet signs sufficient to indicate clearly to any person approaching or entering the outlet, and to every person in the outlet, that no person under the age of 18 years is permitted to enter or remain in such outlet or any part thereof.

4.3 Viewing - from outside outlet - prevented
The operator of an outlet described in section 4.1 of this by-law shall place the cover or container of each such video cassette or disc within the outlet where the cover or container cannot be seen outside the outlet.

4.4 Advertisement - sign - picture - other restriction
The operator of an outlet described in section 4.1 of this by-law shall not post or use outside the outlet any sign, advertising or advertising device, including any printed matter, promoting any adult video cassette or disc if such sign, advertising or advertising device portrays or depicts by means of any photograph, drawing, artistic rendering or otherwise one or more of the specific body areas of any person or persons or one or more of the specified acts whether actual or simulated.

4.5 Minor - entry - to premises - prohibited
The operator of an outlet described in section 4.1 of this by-law shall not permit any person under the age of 18 years to enter or remain in an adult video cassette and disc outlet mentioned in section 4.1 of this by-law and operated by him.

Part 5
ENFORCEMENT

5.1 Fine - for contravention

Every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable, if an individual, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both, and, if a corporation, to a fine not exceeding \$50,000.

Part 6
REPEAL - ENACTMENT

6.1 By-law - previous

By-law A.-5224-92 is hereby repealed.

6.2 Effective date

This by-law comes into force on May 15, 1994.

Passed in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993