

CITY OF NIAGARA FALLS

By-law No. 2002 - 200

A by-law to amend By-law No. 395, 1966, and provide for adult entertainment parlours and body-rub parlours as permitted uses in the former Township of Willoughby, now in the City of Niagara Falls.

WHEREAS By-law No. 395 is a by-law to regulate the use of land and the use, location, spacing, height and area of buildings and structures within the former Township of Willoughby, now in the City of Niagara Falls;

AND WHEREAS Council has adopted Official Plan Amendment No. 45 to regulate the location of live adult entertainment parlours and body-rub parlours.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Schedule “B” attached to this by-law shall form part of By-law No. 395, 1966.
2. SECTION III B DEFINITIONS of By-law No. 395, 1966 is amended by adding the following definitions:

“Adult Entertainment Parlour” means any **premises** or part thereof in which is provided, in pursuance of a **business, services** by an entertainer appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“Services” means **services designed to appeal to erotic or sexual appetites or inclinations** and includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“Services designed to appeal to erotic or sexual appetites or inclinations” means:

- (a) **Services** characterized by any person or persons involved or engaging in **specified sexual activities** or by an emphasis on the display of human **specified body areas**; or
- (b) **Services** in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement, or in respect of which is advertised the availability of “table dancing”, or any other form of entertainment held out to be, by reason of its sexual content, not suitable for minors;

“Specified body areas” means one or more of the following:

- (a) In the case of a female person, her nipples, and areolae; and
- (b) In the case of all persons, the pubic, perineal, perianal areas, the genitals, anus, and the buttocks;

“Specified sexual activities” means one or more of the following:

actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, oral sexual intercourse, direct physical stimulation of genital organs, and flagellation, bondage or torture in the context of a sexual relationship or activity;

“Body-rub” includes the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person’s body or part thereof, but does not include 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;

“Body-rub parlour” means any **premises** or part thereof where a **body-rub** is performed, offered or solicited in pursuance of a **business**;

“Body-rubber” means an individual person who, in pursuance of a **business** or calling, provides, performs, offers or solicits **body-rubs**, or engages in a **business** involving the provision or receiving of **body-rubs** by such person;

“Business” includes a trade or occupation.

“Premises” includes a building or any part thereof, and any place.”

3. SECTION IV SCHEDULE “A” to By-law No. 395, 1966, is amended by adding the following section:

“(3) Schedule “B” entitled “INDUSTRIAL AREAS PERMITTING ADULT ENTERTAINMENT PARLOURS AND BODY-RUB PARLOURS”, is hereby declared to be part of By-law No. 395, 1966. Schedule “B” shows the permitted areas within the INDUSTRIAL ZONE category where **adult entertainment parlours** and **body-rub parlours** are permitted.”

4. Subsection X (1) of By-law No. 395, 1966, is amended by adding the following clause:

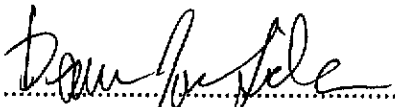
“(d) **Adult Entertainment Parlours and Body-rub Parlours.**”

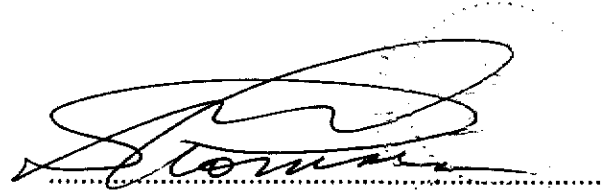
Adult entertainment parlours and **body-rub parlours** are permitted subject to the following regulations:

- (i) **Adult entertainment parlours** and **body-rub parlours** are only permitted within the areas shown hatched on Schedule “B”.
- (ii) **Adult entertainment parlours** and **body-rub parlours** must be separated from each other by a minimum distance of 300 metres measured from building to building.
- (iii) **Adult entertainment parlours** and **body-rub parlours** are to be permitted only in freestanding single use structures.

- (iv) No **body-rub parlours** shall have a gross leasable floor area greater than 300 square metres (3,229 sq. ft.).
- (v) No **adult entertainment parlours** shall have a gross leasable floor area greater than 929 square metres (10,000 sq. ft.).
- (vi) **Adult entertainment parlours and body-rub parlours** must also comply with section X, subsection (2) and all other applicable sections of this by-law.

Passed this 4th day of November , 2002.


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DEAN IORFIDA, CITY CLERK

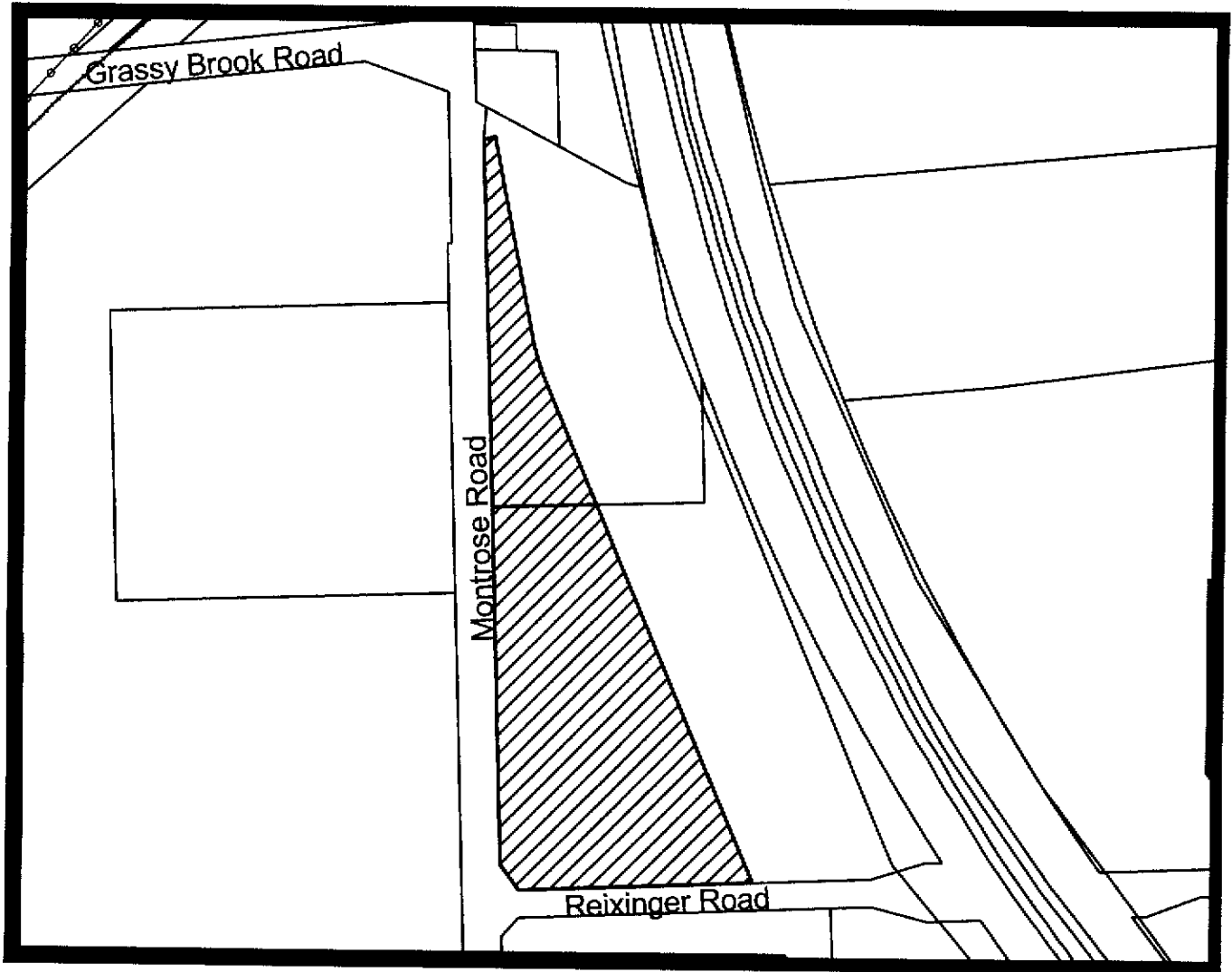

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WAYNE THOMSON, MAYOR

First Reading: Nov. 4, 2002
Second Reading: Nov. 4, 2002
Third Reading: Nov. 4, 2002

SCHEDULE B TO BY-LAW No. 2002-200



Industrial Areas Permitting Adult Entertainment Parlours & Body Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 395, 1966

Applicant: City of Niagara Falls

AM-21/2002

