

B Y - L A W N U M B E R 131-2011

BEING A BY-LAW RESPECTING THE
LICENSING, REGULATING AND INSPECTING
OF BODY-RUB PARLOURS AND THOSE
ENGAGED IN THE BUSINESS OF PROVIDING
BODY-RUBS IN BODY-RUB PARLOURS

Passed the 4th day of July, 2011.

WHEREAS Section 154 of the *Municipal Act, 2001*, S.O. 2000, c.25, as amended, (hereinafter Act) authorizes the council to pass By-laws for licensing, governing, classifying and inspecting body-rub parlours and for revoking or suspending any such licence and for limiting the number of licences to be granted;

AND WHEREAS Part IV of the Act authorizes the 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 the *City of Windsor Act, 1990*, being chapter Pr21, permits the establishment of the Windsor Licensing Commission and such Commission has been so established;

AND WHEREAS the Council deems it advisable to enact a By-law to licence, regulate, govern and inspect body-rub parlours, and activities carried on in the business of the operation of body-rub parlours;

NOW THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this By-law:

“attendant” means a person who, in pursuance of a trade, business or occupation, provides services at a body-rub parlour;

“attendant’s licence” means a licence issued and in good standing under this By-law held by an attendant;

“body-rub” is a service where the primary activity is the kneading, manipulating, rubbing, massaging, touching or stimulating by any means by at least one person of at least one other 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 licence” means a licence issued and in good standing pursuant to this By-law;

“body-rub parlour” includes 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 massages are performed for the purposes of medical or therapeutic treatment by persons otherwise duly qualified, licenced or registered to do so under the laws of the Province of Ontario;

“Carrying on” when used in relation to any trade, occupation, calling or business, includes promoting, advertising, soliciting for, or offering goods or services in connection with such trade, occupation, calling or business;

“City” means The Corporation of the City of Windsor;

“Council” means the Council of The Corporation of the City of Windsor;

“Customer” includes any person seeking, soliciting or receiving a body-rub or any other service at a body-rub parlour;

“Inspector or Compliance Officer” means police officer, enforcement officer, provincial offences officer, compliance officer or any other employee whose duties may include the enforcement of this By-law;

“Licence” means an authorization under this By-law to carry on the trade, calling, business or occupation specified therein and the document providing evidence of such authority, as the context may allow;

“Licensing Commission” means the Windsor Licensing Commission;

“Licence Commissioner” means the person appointed by By-law by the Council of The Corporation of the City of Windsor as Licence Commissioner or Deputy Licence Commissioner;

“Licence Issuer” means a person appointed by the Licence Commissioner to issue licences;

“Medical Officer of Health” means the Medical Officer of Health for the Windsor-Essex County Health Unit;

“operator” includes 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;

“owner” includes 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;

“person” includes a partnership or corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“sign” means any advertising device or notice including its structure and other component parts, which is used or is capable of being used to attract attention to a specified subject matter;

“to provide” when used in relation to body-rubs includes to offer to provide or to cause or permit the provision of a body-rub;

GENERAL REGULATIONS

2. No person may carry on or engage in business as an owner or operator of a body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a body-rub parlour licence.
3. No person may carry on or engage in business as an attendant in a body-rub parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, an attendant’s licence.
4. Every owner, operator and attendant shall, in carrying on or engaging in any business to which this By-law applies, comply with the following requirements:
 - a) no person may provide in a body-rub parlour any body-rubs, except in accordance with a licence issued by the City issued pursuant to this By-law;
 - b) No person may provide services in a body-rub parlour to any person under the age of eighteen (18) years;

- c) No person under the age of eighteen (18) years may enter, be allowed to enter, remain in or be allowed to remain in, any part of a body-rub parlour;
- d) Every owner and operator shall ensure that there is posted in a prominent location at every entrance to the body-rub parlour a sign indicating that no person under the age of eighteen (18) years may enter or remain in such a premises;
- e) Every owner and operator shall, before permitting any person to provide services at a body-rub parlour, provide a copy of the general regulations in this By-law to such person, and instruct such person with respect to all of the regulations;
- f) Every owner and every operator shall ensure that no services are provided at the body-rub parlour other than in accordance with the requirements of this By-law;
- g) No owner or operator may permit a body-rub parlour to be open for business unless the owner or the operator is in attendance at all times at which the body-rub parlour is open for business;
- h) No owner or operator may permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in a body-rub parlour;
- i) No person may advertise or promote a body-rub parlour or the provision of services at a body-rub parlour except in accordance with the provisions of this By-law respecting "Signs and Advertisements";
- j) No owner or operator may 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";
- k) Every owner and every operator of a body-rub parlour shall, in carrying on any business to which this By-law applies, comply with the provisions of this By-law respecting locational restrictions and limitations on number;
- l) No person may own or operate a body-rub parlour except in compliance with the provision of this By-law respecting "Design of Premises";
- m) Every owner and operator licenced under this By-law shall cause the licence issued to him or her in respect of the body-rub parlour to be posted and maintained in a conspicuous place in the body-rub parlour, in a manner satisfactory to the Licence Commissioner, at all times during the currency of the licence;
- n) No owner or operator may permit any person, except a person holding an attendant's licence, to perform any services at a body-rub parlour;
- o) No attendant may provide services at a body-rub parlour unless there is in attendance a person at the premises holding a body-rub parlour owner's license or a body-rub parlour operator's licence;
- p) Every contract for services or other document pertaining to the relationship between an owner or operator and any attendant at a body-rub parlour shall be in writing and shall be made available to a Compliance Officer, upon request, for inspection at any time during the business hours of the body-rub parlour and at all times when body-rubs are provided, and shall be retained by the owner or operator for a period of six months after the termination or completion of such contract;
- q) Every owner or operator of a body-rub parlour shall post, in a prominent location that is satisfactory to the Licence Commissioner, a copy of all

attendant licences in relation to persons providing services at the body-rub parlour;

- r) Every attendant and every customer at a body-rub parlour shall be clothed in a manner in which such person's pubic area and, in the case of women, also her breasts, are fully covered by an opaque material;
- s) No owner or operator may use or permit to be used any camera or other photographic, or other electronic recording device at a body-rub parlour by any person, but this paragraph shall not prohibit:
 - i. the use of any camera or other device used by a public authority for the enforcement of the law; or
 - ii. the maintenance of a camera in the entrance area of premises for security purposes only; and
- t) Where the owner of a body rub parlour is other than a natural person, there must be one or more licensed operators sufficient to comply with the requirements of this By-law.

SIGNS AND ADVERTISING

- 5. Notwithstanding the City's Sign By-law, being By-law 250-2004, as may be amended from time to time, no person may erect or maintain any sign or other device advertising a body-rub parlour, except in accordance with the following additional regulations:
 - a) No person shall erect or maintain any of the following signs, as defined in the City's Sign By-law, being By-law 250-2004, as may be amended from time to time, or other advertising device in respect of a body-rub parlour or in respect of any services provided at a body-rub parlour:
 - i. An awning sign;
 - ii. A projecting wall sign;
 - iii. A canopy sign;
 - iv. An inflatable sign;;
 - v. An A-frame sign;
 - vi. An animated sign;
 - vii. A banner sign;
 - viii. A banner flag sign;
 - ix. A flashing sign;
 - x. A ground sign;
 - xi. A mobile sign;
 - xii. A penant sign;
 - b) Nothing in this By-Law shall be deemed to constrain any person from erecting or maintaining any sign or other advertising device 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; and
 - c) No person may erect or maintain any sign or other advertising device in respect of a body-rub parlour which includes any letters, markings, symbols, pictures or representations, except for the name of the body-rub parlour as recorded on the application for licence, and any logo or symbol, provided a copy of such logo or symbol is filed with the Licence Commissioner as part of the licensing process.

DESIGN OF PREMISES

- 6. No person may engage in business as an owner or operator of a body-rub parlour, except in accordance with the following regulations:
 - a) The owner or operator shall provide the Licence Commissioner 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 and in the event that the owner or operator wishes to amend the floor plan, he or she shall first file with the Licence Commissioner a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licence Commissioner;

- b) Every owner or operator shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a body-rub parlour, that is used to provide body-rubs 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 or operator shall ensure that the principal means of access into the body-rub parlour shall be kept 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 bed or other furniture which is commonly used or which may be used for sleeping purposes;
- e) Every body-rub parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility that is uniformly distributed throughout the premises;
- f) Every body-rub parlour and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;
- g) Every body-rub parlour shall be equipped with an effective utility sink;
- h) Adequate toilet and washroom accommodation shall be provided in accordance with the regulations set forth under the *Building Code Act, 1992, S.O. 1992 c.23*, as amended from time to time;
- i) 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; and
 - iv. A suitable receptacle for used towels and waste material;
- j) No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a body-rub parlour;
- k) In any shower-bathroom, if any, and in any sauna-bathroom, 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, cleanable drain covers; and
 - iv. Floor surfaces both within and without the enclosures shall be of non-slip type; and

- l) Every owner and operator shall provide and maintain at all times within the body-rub parlour a first-aid kit, equipped in a manner satisfactory to the Medical Officer of Health;
- m) The premises for which the body-rub licence is required shall be subject to the following criteria:
 - i. The maximum gross floor areas of the body-rub parlour shall be no more than one hundred fifty (150) square metres;
 - ii. A maximum of one body-rub parlour per lot; and
 - iii. When a body-rub parlour is located in a multi-unit building, it shall not exceed fifteen percent (15%) of the gross floor area of the multi-unit building.

LOCATION OF PREMISES

- 6.1 No Licence shall be issued to any body-rub parlour if the applicant body-rub parlour is located within one kilometer of any other body-rub parlour in existence at the time the application is submitted, unless the applicant body-rub parlour can satisfy the Licence Commissioner that the applicant body-rub parlour was in operation at the time of enactment of this By-law.

HOURS OF OPERATION

- 7. No body-rub parlour shall be open to the public, no owner or operator of a body-rub parlour may permit services to be provided and no attendant may provide services except between the hours of 9:00 a.m. and 10:00 p.m. of the same day.

RECORDS

- 8. Every owner and operator shall maintain a current register, which register shall contain the following information in respect of every current and former attendant and employee of the body-rub parlour:
 - a) Full legal name and any aliases;
 - b) Home address;
 - c) Telephone number;
- 9. Upon the request of the License Commissioner or anyone else charged with inspection powers under this By-law or schedule, the owner or operator shall present the required records for inspection.
- 10. The register as described herein shall be maintained for a minimum of seven years.

NATURE OF LICENCE

- 11. No person shall enjoy a vested right in the continuance of a licence and the value of a licence shall be the property of the City and shall remain so, irrespective of the issuance, renewal or revocation thereof.
- 12. No person licenced to carry out 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 or her licence.
- 13. Every licence issued under this By-law shall expire on January 31st, of the year following issuance, unless revoked or otherwise terminated under this By-law, prior to that date. When a renewal deadline expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the day next following that is a business day.

14. No licence shall be transferred or assigned, and if an owner, operator or attendant sells, leases or otherwise disposes of his or her interest in the business, the licence and all rights granted thereunder shall terminate.
15. Every body-rub parlour licence shall have endorsed thereon the location of the body-rub parlour and such endorsement shall be for one location only and such licence shall be valid only for the location endorsed thereon.

APPLICATION, RENEWAL AND REVOCATION OF LICENCE

16. The following provisions apply to the application for and renewal of a licence under this By-law:
 - a) Every person applying for a body-rub parlour owner or operator licence shall appear in person before a Licence Issuer and shall complete such licence application forms as may be provided from time to time by the Licence Commissioner, and shall provide all information requested thereon;
 - b) 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;
 - c) 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;
 - d) On every application for an owner's licence by an individual or by a corporation, the applicant shall state:
 - i. If the applicant is an individual, his or her date of birth;
 - ii. If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the applicant corporation or in any of the corporations referred to in Section 16 of this By-law.
 - iii. Every applicant referred to in subsection 16(d) of this section, and every shareholder, partner or other person referred to in this By-law, shall file with or produce to the Licence Issuer proof of his or her age, if required to do so by the Licence Issuer, and no such licence shall be issued if the License Issuer is not satisfied that every such person is of the full age of eighteen (18) years.
17. The following additional provisions apply to corporate applicants for licences under this By-law:
 - a) Every corporation applying for an owner's licence shall file with the Licence Commissioner at the time of its application a notarial copy of its articles of incorporation, or other incorporating document, together with a return in a form supplied by the Licence Commissioner, which return shall contain a list of all of the shareholders of the corporation.
 - b) Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Licence Commissioner a return in a form supplied by the Licence Commissioner, which return shall contain a list of all of its shareholders, and if such return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall file a return in respect of such third corporation listing its shareholders, and so on until all the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
 - c) All returns required by this Section 17 shall be filed with the Licence Commissioner at the same time as the filing of the application for the licence.

- d) Every owner which is a corporation, shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Licence Commissioner an annual return in the form supplied by the Licence Commissioner.
 - e) Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Licence Commissioner in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in subsection (b) of this Section, and the Licence Commissioner may determine, in his or her discretion, whether to recommend to the Licensing Commission that it revoke the licence.
 - f) Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's licences is determined by the Licence Commissioner to have changed hands, such licence or licences shall be terminated forthwith, and the Licence Commissioner may issue a new licence or new licences upon payment of the prescribed fee and further, the Licence Commissioner shall recommend to the Licensing Commission to not issue or renew a licence or licenses where he or she determines that it is in the public interest to do so.
 - g) Where the shares of a corporate owner are held in whole or in part by another corporation, such owner shall file with the Licence Commissioner at the same time as the owner, an annual return, as provided in Section 17 of this Section and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner shall likewise file such an annual return in respect of such third corporation, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner.
 - h) For the purposes of this Section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.
18. Every person applying for a body-rub parlour owner or operator licence, where such person is a natural individual, shall provide two (2) passport-size photographs, which must be taken within thirty (30) days prior to the licence application and where such person is a corporation, such photographs shall be taken of an officer of the corporation and where the applicant is a partnership, such photograph shall be taken of one of the partners.
 19. Every applicant for an attendant's licence shall provide a letter of engagement or of prospective engagement from the owner or operator of a licensed body-rub parlour.
 20. Every applicant for an attendant's licence shall provide the Licence Commissioner with a medical certificate from a physician qualified to practice medicine in the Province of Ontario, dated within thirty (30) days of the date of the application, indicating that the applicant is free from communicable or transmissible diseases and shall submit to such tests in relation to communicable or transmissible diseases as the Medical Officer of Health may require.
 21. At the time of submission of application, every applicant shall pay to the City the fee set forth in Schedule 1, attached hereto and forming part of this By-law. A licence issued under the provisions of this by-law shall be valid only for the period of time for which it was issued, subject to this by-law and subject to fees as contained in Schedule 1 to this by-law.
 22. All business licence fees are non-refundable if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence.
 23. Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become

licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission.

24. Receipt of the application or licence fee by the Licence Commissioner shall not represent approval of the application for the issuance of the licence, nor shall it obligate the Licence Commissioner to issue such licence.
25. Without limiting the generality of any other provision in this By-law, persons associated in a partnership, applying for a licence 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 ordinary residence;
 - b) The name or names under which they carry 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.
26. If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an owner's licence, in place and stead of the partnership.
27. Without limiting the generality of any other provision in this By-law, every corporation applying for a licence shall file with the Licence Commissioner, 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 or 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.
28. Every person applying for a body-rub parlour owner or operator licence shall file with the Licence Commissioner documentation satisfactory to the Licence Commissioner demonstrating the applicant's right to possess or occupy the premises and if any applicant is not the registered owner of the property at which the body-rub parlour is to be located, such person shall file with the Licence Commissioner a copy of his or her lease, if any, of the property and a copy of any other document constituting or affecting the legal relationship between the applicant and the registered owner, relating to the said property.
29. The Licence Commissioner:
 - a) Shall receive and process all applications for licences and renewal of licences to be issued under this By-law;
 - b) Shall coordinate the enforcement of this By-law;
 - c) Shall perform all the administrative functions conferred upon him or her by this By-law;
 - d) Shall make or cause to be made a circulation, respecting each application, which shall include circulation of the licence application to the Medical Officer of Health and the Windsor Police Service for comment;

- e) Shall make or cause to be made all investigations and inspections which he or she deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
 - f) May issue licences to persons who meet the requirements of this By-law and may suspend licences pursuant to the requirements of this By-law; and
 - g) May, where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law.
30. Upon renewing a licence application, including an application for renewal of a licence, or upon receiving information or a complaint as against a licence holder, the Licence Commissioner may, in his or her sole discretion refer the application to the Licensing Commission, or refuse to grant or revoke or suspend a licence upon the following grounds:
- a) Where the conduct of the applicant or licensee affords reasonable grounds for belief that such applicant or licensee will not carry on or engage in the business in accordance with the law, or with integrity and honesty;
 - b) Where the conduct of the applicant or licensee, or other circumstances, afford reasonable grounds for belief that the carrying on by the applicant or licensee of the business in respect of which the licence is sought or held, would infringe the rights, or endanger the health or safety of, members of the public;
 - c) Where there are reasonable grounds for belief that the carrying on of the business by the applicant or licensee will result in non-compliance with this By-law or any other requirement or prohibition imposed by any other law;
 - d) Where there are reasonable grounds for belief that the nature, condition or use of the place or premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this By-law or any other law;
 - e) Where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the applicant or licensee, contains a false statement or provides false information;
 - f) Where information provided to the City by or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the City sufficient to allow the Licence Commissioner, or the Licensing Commission, as the case may be, to conclude the licence should be granted or maintained as valid and subsisting; and
 - g) Where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, may renew the licence of persons who meet the requirements of this By-law.
31. In the case where the Licence Commissioner refuses, revokes or suspends a licence upon any one or more of the grounds listed in Section 30 of this By-law, the Applicant, or licensee, as the case may be, may appeal the Licence Commissioner's decision to the Licensing Commission, by notifying the Licensing Commission, in writing of its request to appeal to the Licensing Commission no later than fourteen (14) days after the date the licence application is refused, revoked or suspended by the Licence Commissioner.
32. In the case where the Licence Commissioner or the applicant, or licensee, as the case may be, refer or appeal to the Licensing Commission, the License

Commission may refuse to grant, or revoke or suspend a licence upon any one or more of the grounds listed in Section 30 of this By-law.

33. Where after a hearing, the Licensing Commission concludes that any one of the grounds set out under Section 30 exist, the Licensing Commission may, instead of refusing, revoking or suspending a licence, grant a licence or allow a licence to continue upon such conditions as the Licensing Commission may see fit to impose, for the purpose of ensuring the proper and lawful carrying on of the business, or such other conditions, as are authorized by law.
34. No revocation or suspension of a licence under this By-law shall be final, except after a hearing by the Licensing Commission, or after the licensee has been given the opportunity for such a hearing, in accordance with the law.
35. The Licence Commissioner may suspend a licence where there are reasonable grounds to believe that such is required to prevent a breach of the By-law, or for any of the reasons that would form grounds for the revocation of a licence pursuant to Section 30;
36. A suspension under Section 30 shall take effect upon service of written notice thereof to the licensee, or upon the delivery of written notice to the business premises of the licensee at the address shown on the City's records;
37. A suspension under Section 30 shall remain in effect for no more than fourteen (14) days from the date of service of the notice under Section 36;
38. Following suspension of a licence under Section 30, the Licence Commissioner shall prepare a written report to the Licensing Commission, advising of the suspension and:
 - a) Recommend that the Licensing Commission hold a hearing to determine whether the suspension should continue, or be terminated, and whether the Licensing Commission should give consideration to whether or not the licence should be revoked or otherwise dealt with pursuant to the By-law; or
 - b) Recommend reinstatement of the licence on the basis that the conditions leading to the suspension have been remedied; or
 - c) Recommend that no action be taken upon the termination of the suspension.
39. Any licence that has not been renewed by its expiration date, shall expire at 12:01 a.m. the following day.

POWERS AND DUTIES OF LICENSING COMMISSION

40. At any time before the Licence Commissioner shall issue or renew a licence, or recommend to the Licensing Commission that it refuse to issue or refuse to renew a licence, the Licence Commissioner may as he or she sees fit, or shall at the request of the applicant, refer the application for issuance or renewal of the licence to the Licensing Commission.
41. Where there is a referral to the Licensing Commission pursuant to this section, the Licensing Commission shall hold a hearing for the purpose of:
 - a) issuing or renewing the licence;
 - b) refusing to issue or renew the licence;
 - c) suspending the licence;
 - d) revoking the licence; or,
 - e) issuing or renewing the licence with the imposition of conditions.

42. Where the Licence Commissioner intends to recommend to the Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the applicant or licensee as well as to such other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the applicant or licensee shall be written notice served personally or by registered mail to the address shown on the application or licence.
43. At the hearing, the Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any licence under this By-law:
- a) for any reason that would disentitle any licensee to a licence;
 - b) where the licensee or applicant is in breach of a condition of the licence;
 - c) where the licensee or applicant is in breach of any of the provisions of this By-law;
 - d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;
 - e) if, subsequent to the issuance of the licence, a report is filed by any body which originally provided its approval that indicates that the licensee is no longer in compliance with this By-law;
 - f) upon such grounds as are set out in this By-law;
 - g) if the applicant has outstanding fees or fines owing to the City, or if the applicant has not paid the required application fee;
 - h) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - i) if the geographic location of the business does not meet land use requirements or does not comply with this By-law;
 - j) if in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity; or,
 - k) if issuing the licence is not in the public interest.
44. Where a licence is revoked, the licensee is entitled to a refund of that part of the licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.
45. Where the Licensing Commission renders a decision granting the applicant the licence applied for, the licence shall be issued upon the applicant complying with the terms of this By-law and the conditions imposed on the licence, if any, and the applicant shall complete the application within fourteen (14) days of the decision of the Licensing Commission.

CHANGE OF STATUS

46. 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 City on applying for a licence under this By-law, such person shall report the change to the Licence Commissioner within five (5) days of the change.
47. 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 prior approval of the Licence Commissioner to such change. 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 Licence Commissioner's prior approval of any one or more such transactions.

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

OFFENCE, PENALTY AND ENFORCEMENT

49. 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 by the corporation, is guilty of an offence and, upon conviction pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, Ch. P.33, as amended, is liable to:
 - a) a penalty in the cases of person, other than a corporation, not to exceed \$25,000 or imprisonment for a term not to exceed one year or both; and
 - b) a penalty in the case of a corporation, not to exceed \$50,000.
50. 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.
51. Every person shall comply with the provisions of this By-law which are applicable to him or her, whether or not he or she is licensed under this By-law.
52. Every owner, operator and attendant shall, during the operating hours of the body-rub parlour and at all times when services are provided therein, make available for inspection by the Licence Commissioner, a Peace Officer, a Medical Officer of Health, or Compliance Officer the original of any document or record referred to in this By-law.
53. 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 the Licence Commissioner, a Medical Officer of Health, a Peace Officer, or a Compliance Officer.
54. No person may obstruct or hinder the entry for inspection of a body-rub parlour by a Compliance Officer, the Licence Commissioner, a Medical Officer of Health or a Peace Officer.

MISCELLANEOUS

55. The provisions of this By-law shall apply to all lands and premises within the City of Windsor.
56. If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its term, to the extent possible according to law.
57. Wherever notice or materials are required to be provided to any person pursuant to this By-law, such notice shall be deemed effective upon mailing of the materials by registered mail to the last address of that person, as indicated upon

the licence application or upon other material filed with the City, or to the last assessed business address for the person, as indicated upon the assessment roll.

58. This By-law shall come into force and effect on the date of its enactment.
59. The maximum, total number of licences that may be issued under, and in accordance with this By-law, for body-rub parlours within the City of Windsor, shall be limited to twenty (20).
60. This By-law may be referred to as the “Body-Rub Parlour By-law”.
61. Schedule 1 shall be and hereby form part of this By-law.

EDDIE FRANCIS, MAYOR

CLERK

First Reading - July 4, 2011
Second Reading - July 4, 2011
Third Reading - July 4, 2011

SCHEDULE 1

Owner/Operator	New	Renewal
Fee	\$503.00	\$191.00
Photo I.D. Card, plus applicable tax(es)	\$16.95	\$16.95
Replacement Card	\$25.00	\$25.00

Attendant	New	Renewal
Fee	\$191.00	\$191.00
Photo I.D. Card, plus applicable tax(es)	\$16.95	\$16.95
Replacement Card	\$25.00	\$25.00

(Amended by By-Law 25-2016, dated February 1, 2016)