

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 53-2003

BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF BUSINESSES WHICH OFFER *ADULT VIDEOTAPES* FOR SALE, RENT OR TRADE/EXCHANGE, AND TO REPEAL BY-LAW NO. 133-2001, AS AMENDED

WHEREAS section 150 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, (the "Act") authorizes councils of all municipalities to license, regulate, and govern any business wholly or partly carried on within the municipality;

AND WHEREAS section 151(2)(a) of the Act defines a premises as an "adult entertainment establishment" if goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in pursuance of a business in the premises or part of the premises;

AND WHEREAS the *Council* of The Corporation of the *Town* of Milton has deemed it desirable to enact a new by-law to license, regulate, and govern adult videotape stores as a class of adult entertainment establishment pursuant to the provisions of sections 150 and 151 of the Act, and to repeal By-law No. 133-2001;

AND WHEREAS section 151(1)(a) of the Act provides that, despite subsection 150(12), a by-law passed under section 150 of the Act may define the area or areas of the municipality in which adult entertainment establishments may or may not operate and may limit the number of licenses to be granted in any defined area in which they are permitted;

AND WHEREAS the *Council* of The Corporation of the *Town* of Milton deems it desirable to enact a by-law defining areas of the *Town* of Milton in which, subject to all other applicable law, adult videotape stores may operate, and areas in which adult videotape stores may not operate, and limiting the number of licenses to be granted in respect of adult videotape stores in the *Town* of Milton.

NOW THEREFORE THE *COUNCIL* OF THE CORPORATION OF THE *TOWN* OF MILTON ENACTS AS FOLLOWS:

MUNICIPAL ACT REQUIREMENT

1. By-law 53-2003 to license, regulate, and govern *Adult Videotape Stores* as a class of adult entertainment establishment is adopted by *Council* of the *Town* for the purpose of consumer protection and the protection of the health and safety of the public.

DEFINITIONS

2. In this By-law:

- a) “*Adult Videotape*” means:
 - (i) any *Videotape*, the contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more *persons* involved or engaged in *specified sexual activities* or by an emphasis on the display of *specified body areas* and;
 - ii) any *Videotape* classified by the Ontario Film Review Board, or any successor Board, under the *Theatres Act*, R.S.O. 1990, c.T.6, as amended, as "restricted", with the added description "adult sex film" or other similar rating or category which may be used by the Board from time to time;
- b) “*Adult Videotape Area*” means a part of any premises, which part is used for the provision of *Adult Videotapes* and may include a storage shelf behind an opaque barrier;
- c) “*Adult Videotape Store Class “A”*” means any premises where *Adult Videotapes* are provided in pursuance of a trade, calling, business, or occupation where the proportion of *Adult Videotapes* to non-*Adult Videotapes* offered, is equal to or exceeds the ratio of 10:100 (*Adult Videotapes* to non-*Adult Videotapes*);
- d) “*Adult Videotape Store Class “B”*” means any premises where *Adult Videotapes* are provided in pursuance of a trade, calling, business or occupation where the proportion of *Adult Videotapes* to non-*Adult Videotapes* offered, is less than the ratio of 10:100 (*Adult Videotapes* to non-*Adult Videotapes*);
- e) “*Clerk*” means the *Town Clerk* or his/her designate;
- f) “*Committee*” means the *Town’s Administration and Planning Committee*;
- g) “*Council*” means the *Council of the Town*;
- h) “*Licensing Officer*” means the *Licensing Officers* for the *Town*, or their designates, and includes the *Clerk*;

- i) "*Licensing Section*" means the Licensing Section of the *Clerk's Office* at the *Town*;
- j) "*Medical Officer of Health*" means the Medical Officer of Health for the Regional Municipality of Halton;
- k) "*Municipal Law Enforcement Officer*" means an employee of the *Town* so appointed by *Council*;
- l) "*Officer*" means the *Medical Officer of Health*, a *Licensing Officer*, a *Municipal Law Enforcement Officer*, a public health inspector, a peace officer, a police officer or such other *person* as *Council* may designate;
- m) "*Owner*" means a *person* who alone or with others owns or has a right to possess or occupy an *Adult Videotape Store Class "A"* or *Class "B"* or actually does possess or occupy an *Adult Videotape Store Class "A"* or *Class "B"*, and includes a lessee of an *Adult Videotape Store Class "A"* or *Class "B"* or premises upon which an *Adult Videotape Store Class "A"* or *Class "B"* is located;
- n) "*Person*" includes a corporation or partnership, and includes their successors, assigns, heirs, executors, administrators, or other legal representative of such person to whom the context can apply according to law;
- o) "*specified body areas*" means any one or more of the following:
 - i) in the case of a female *person*, her breasts; and
 - ii) in the case of all *persons*, the genitals and the anus;
- p) "*specified sexual activities*" means one or more of the following: actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse and oral sexual intercourse, direct physical stimulation of clothed or unclothed *specified body areas* and flagellation, mutilation, maiming, murder or torture in the context of a sexual relationship or activity;
- q) "*to provide*" when used in relation to *Adult Videotape* means to sell, offer to sell or display for sale by retail, or to rent, offer to rent or display for rental, or to exchange/trade or to offer to exchange/trade or display for exchange/trade, whether or not the cost, fee or other consideration passes at the time of such sale, rental or exchange/trade, or is effected through the cost of membership, subscription, admission or any other manner, and the words "are provided", "providing" and "provision" have similar meaning;

- r) "*Town*" means The Corporation of the Town of Milton;
- s) "*Videotape*" means cinematographic film, videotape, video disc, laser disc, DVD, computer produced images (including computer diskettes and CD ROM) or any other mechanical or computer medium which may produce visual images that may be viewed as moving or still pictures;

LICENSE REQUIREMENT

- 3. Every *Owner* of an *Adult Videotape Store Class "A"* or *Class "B"* shall obtain a license from the *Town* authorizing him/her to carry on such business in the *Town*, for which license the *person* obtaining the same, shall pay to the *Town* before the time of taking out such license, the fee fixed under *Town's* User Fee By-law 163-2002, as amended from time to time, and no *person* shall, within the limits of the *Town*, carry on or engage in such business until he or she has procured such license to do so.
- 4. Each licensee shall be required to renew the said license prior to the expiry of the original license issued under this By-law and failing such renewal, the licensee must discontinue the operation of the *Adult Videotape Store Class "A"* or *"B"* upon the expiry of the license.

ADMINISTRATION

- 5. The *Licensing Section* of the *Town* shall:
 - (a) receive and process all applications for licenses and renewal of licenses required under this By-law;
 - (b) administer the issuance of licenses in accordance with the provisions of this By-law;
 - (c) maintain and keep records of all applications received and licenses issued; and
 - (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

APPLICATIONS FOR LICENSES AND FOR RENEWAL OF LICENSES

- 6. Every *person* applying for a license or a renewal of a license under this By-law shall file with the *Licensing Section* an application form provided by the *Licensing Section*, in which the applicant shall provide all information required by the application form.

7. Each completed application shall be submitted to the *Licensing Section* and be accompanied by:
 - (a) the appropriate fee as set out in the *Town's User Fee By-law 163-2002*, as amended from time to time;
 - (b) clearance from the Chief Building Official of the *Town* stating that the location of the *Adult Videotape Store Class "A"* or *Class "B"* meets the requirements of the *Town's Zoning By-law*.
 - (c) if the applicant is a corporation, a copy of the incorporating document, a copy of the last annual information return filed, and a list of the names and home addresses of the directors, shareholders and officers of the corporation;
 - (d) if the applicant is a registered partnership, a list of the names and home addresses of the partners, and a copy of the registered declaration of partnership.
8. A separate application for a license must be made for each of the premises at which the applicant carries on a business regulated under this By-law.
9. No individual shall be licensed under this By-law unless the individual is at least eighteen (18) years of age.
10. In the event an application is not accepted for licensing, fifty (50) percent of the fee shall be used to defray the cost to the *Town* of processing the application, and fifty (50) percent of the fee shall be returned to the applicant.
11. Acceptance 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.

GROUND FOR REFUSAL TO LICENSE OR RENEW A LICENSE

12. An applicant whose application meets all the other requirements of this By-law is entitled to a license or to the renewal of a license except where:
 - (a) there are reasonable grounds to believe that any application or other document provided to the *Licensing Section* by or on behalf of the applicant contains a false statement or provides false information; or
 - (b) the past or present conduct of the applicant, or of any partner where the applicant is a partnership, or of any director or officer of the corporation if the applicant is a corporation, affords reasonable grounds to believe that the business in respect of which the application

is made will not be carried on in accordance with the law or with integrity and honesty; or

- (c) there are reasonable grounds to believe that the applicant does not meet all requirements of this By-law or any other *Town* by-law, or that the business is carried on or intended to be carried on in an area of the *Town* where such business is prohibited by this By-law or by any other *Town* by-law, or in respect of which the issuing of a license in respect of the business is not permitted by this By-law; or
- (d) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the *Town*; or
- (e) there are reasonable grounds to believe that the building, premises or place or part thereof in which the business is carried on or is intended to be carried on does not comply with the provisions of this By-law, or with any other law or by-law, including any applicable zoning and building requirements, or is dangerous or unsafe; or
- (f) there are reasonable grounds to believe that the premises or any equipment, vehicles or other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder is dangerous or unsafe; or
- (g) the fee payable in respect of the license, or renewal of the license, has not been paid in accordance with the requirements of this By-law.

REVOCACTION, SUSPENSION OF LICENSE

13. *Council* may revoke or suspend any license issued under this By-law, upon any of the grounds set out in section 12 of this By-law, provided that no license shall be revoked or suspended except after the licensee has been afforded the opportunity to be heard by the *Committee* in accordance with this By-law.

TERMS AND CONDITIONS ON LICENSE

14. (a) *Council* may impose conditions as a requirement of obtaining, continuing to hold or renewing a license under this By-law.
- (b) *Council* may also impose special conditions as a requirement of obtaining, continuing to hold or renewing a license under this By-law that have not been imposed on other *Adult Videotape Stores* in the Town of Milton upon such grounds as are set out in section 12 of this By-law.

OPPORTUNITY TO BE HEARD

15. Where the *Licensing Officer* has reasonable grounds to believe that the applicant/licensee may not be entitled to the issuance or renewal of a license, that conditions, including special conditions, may need to be imposed, or that a license should be suspended or revoked, on the grounds referred to in this By-law, the *Licensing Officer* shall forthwith cause written notice of this fact, with reasons, to be served upon the applicant or licensee, either in person or by registered mail, at the address shown on the application form.
16. The *Licensing Officer's* notice shall state that the applicant/licensee may request an opportunity to be heard before the *Committee* to address the issues and grounds identified in the notice, by paying the required fee pursuant to the *Town's User Fee By-law 163-2002*, as amended from time to time. The notice shall also state that if the applicant/licensee does not notify the *Licensing Officer* that the applicant/licensee requests such an opportunity to be heard, the application for a license or renewal of a license may not be granted, conditions, including special conditions, may be imposed, or the license may be suspended or revoked and the applicant/licensee will not be entitled to any further notice with respect to the matter.
17. If the applicant/licensee wishes to request an opportunity to be heard before the *Committee*, the applicant/licensee must serve a notice in writing to that effect upon the *Licensing Officer* within fifteen (15) days of service of the *Licensing Officer's* notice, along with the applicable fee required pursuant to the *Town's User Fee By-law 163-2002*, as amended from time to time.
18.
 - (a) Where the *Licensing Officer* receives notice from the applicant/licensee in accordance with section 17, the *Licensing Officer* shall forthwith refer the matter to the *Committee* and give the applicant/licensee notice of the date and time when the applicant/licensee will have the opportunity to be heard on the matter by the *Committee*.
 - (b) Where the *Licensing Officer* does not receive notice from the applicant/licensee requiring an opportunity to be heard in accordance with section 17, the *Licensing Officer* or *Council* need not process the application further and no further notice is required to be served upon the applicant/licensee, and the license or renewal of license may not be granted and *Council* may also suspend or revoke the license or impose conditions, including special conditions, without hearing from the applicant/licensee.

19. Where the applicant/licensee has satisfied all requirements under this By-law for the issuance or renewal of a license and there are no grounds under this By-law for denying the issuance or renewal of the license and the *Licensing Officer* does not seek to have conditions imposed on the license, the *Licensing Officer* shall issue or renew the license.

ADMINISTRATION & PLANNING COMMITTEE

20. Where a matter has been referred to the *Committee*, at the applicant's/licensee's request, for an opportunity to be heard under this By-law, and the applicant/licensee does not attend the scheduled meeting, the *Committee* may hold the meeting in the absence of the applicant/licensee and otherwise proceed in accordance with section 22 of the By-law or may decide to take no further action with respect to the matter, and no further notice is required to be served upon the applicant/licensee.
21. At any meeting conducted by the *Committee* under this By-law, the *Committee* can hear not only from the applicant/licensee, but also from the *Licensing Officer* involved or other *Town* staff, any governmental or other public agency or the general public;
22. Upon the conclusion of a meeting conducted by the *Committee* under this By-law, the *Committee* shall as soon as practicable:
 - (a) make a written report to *Council* summarizing the evidence and arguments presented by the parties;
 - (b) set out the findings of fact made by the *Committee*; and
 - (c) set out the recommendations of the *Committee* with reasons therefore on the merits of the application or matter in respect of which the meeting has been conducted.
23. After considering the report of the *Committee*, *Council* may make any decision permitted under this By-law in respect of the granting or refusal of the issuance or renewal of a license, the imposing of conditions, including special conditions, on a license or the revocation or suspension of a license, that it might have made had it conducted the meeting itself and *Council's* decision shall be final.

TERMS OF LICENSE

24. Every license issued under this By-law shall expire at the end of February of each year, if not otherwise revoked or suspended under this By-law prior to that date.

25. A license issued under this By-law is *personal* to the licensee, and cannot be transferred, assigned, leased or otherwise disposed of by the licensee.
26. The rights granted by a license issued under this By-law apply only to the premises for which the license is issued.
27. Where the original information submitted on a license application changes during the year, such licensee shall notify the *Licensing Section* in writing within five (5) days of any change in the information contained in the previous application submitted by the licensee.
28. Every *Owner* licensed as such under this By-law shall, within five (5) days after selling, leasing or otherwise disposing of the *Adult Videotape Store Class "A" or Class "B"* in respect of which the license has been issued, or after ceasing to carry on the business, notify the *Licensing Section* in writing of such fact and surrender the license.
29. To renew a license, the licensee shall complete and submit the *Town's* required application form and shall pay the required fee as set out in the *Town's User Fee By-law 163-2002*, as amended from time to time.
30. Where a completed application form and required fee for the renewal of a license is not submitted to the *Licensing Section* before the expiry date of the license, the license expires and in order to operate as an *Adult Videotape Store Class "A" or Class "B"*, the *Owner* must make application for a new license in accordance with the requirements of this By-law, rather than making application for a renewal of a license.
31. Where a license has been revoked or suspended, the licensee is not entitled to a refund of the license fee.
32. No *person* shall enjoy a vested right in the continuance or renewal of a license and the value of a license shall be the property of the *Town* and shall remain so regardless of the issue, renewal, suspension or revocation thereof.
33. No *person* carrying on or engaged in any business or activity to which this By-law relates shall make a false or intentionally misleading recital of fact, statement or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the *Town*, to *Council*, any *Committee of Council*, the *Clerk*, or an *Officer*, and the making of such a false or intentionally misleading recital of fact, statement or representation constitutes an offence.

RETURN OF LICENSE UPON REVOCATION OR SUSPENSION

34. Where a license has been revoked or suspended, the holder of the license shall return the license to the *Licensing Officer* within twenty-four (24) hours of receipt of written notification of the revocation or suspension .
35. Where the license is not returned within twenty-four (24) hours as set out in section 34 of this By-law, the *Licensing Officer* or *Municipal Law Enforcement Officer* may enter upon the premises, which is the subject of the license, for the purpose of receiving or taking the said license and no *persons* shall refuse to deliver or in any way obstruct or prevent the *Licensing Officer* or *Municipal Law Enforcement Officer* from obtaining the license.

INSPECTION

36. An *Officer* may, at any time of the day or night, enter a premises licensed under this By-law, for the purpose of determining whether this By-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.
37. In the course of an inspection under section 36, an *Officer*, is entitled to inspect all books of account, vouchers, correspondence and the records of the licensee being inspected that are relevant to the purpose of the inspection.
38. No *person* may obstruct or hinder at any time of the day or night the entry or the inspection of an *Adult Videotape Store Class "A" or "B"* or any part thereof by an *Officer* and an *Officer* may, at any time of the day or night, enter any *Adult Videotape Store Class "A" or "B"* to determine whether the By-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.
39. No *person* shall obstruct an *Officer* inspecting the licensed premises pursuant to this By-law, or withhold, destroy, conceal or refuse to furnish any information or thing required by an *Officer* pursuant to this By-law.

NOTICE

40. Any notice required to be given under this By-law is sufficiently given if delivered *personally* or sent by registered mail to the licensee at the address provided on the license application form.
41. Where service is effected by registered mail, it shall be deemed to be made on the fifth (5) day after the date of mailing.

REGULATIONS APPLICABLE TO ADULT VIDEOTAPE STORE CLASS "A" AND CLASS "B"

42. Every licensee shall:
- (a) at all times prominently display the license at the licensed premises and shall produce the license upon request by an *Officer*;
 - (b) keep the licensed premises in a clean and sanitary condition;
 - (c) maintain on the licensed premises, available for inspection by an *Officer*, during all business hours, a current list of all *Adult Videotapes* available on the premises;
 - (d) not make available to the public any *Adult Videotapes* through automated vending/dispensing equipment without intervening and having the age of the *person* duly verified by the licensee or an employee of the licensee at the time of any sale, rental or exchange/trade.
 - (e) a licensee shall not play or preview within the *Adult Videotape Store Class "A" or Class "B" any Adult Videotape*.
43. In addition to complying with the *Town's Sign By-law No. 146-2002*, all *persons* must comply with the following regulations with respect to signs, advertising, advertising devices and any or other communication or thing used to promote *Adult Videotape Stores Class "A" or "B"*, as follows:
- (a) a licensee may erect or maintain the following types of signs or other advertising devices in respect of an *Adult Videotape Store Class "A" or "B"*: an awning sign, canopy sign, a ground or pylon sign and a wall sign. No other type of sign or advertising device, including but not limited to, projecting signs, inflatable advertising devices, portable and trailer signs, or sandwich board signs, is permitted in respect of an *Adult Videotape Store Class "A" or "B"*;
 - (b) Every licensee of an *Adult Videotape Store Class "A"*, shall exhibit over the street door or in the lower front window of the premises in respect of which such license is issued or in some other conspicuous place on the exterior of such premises satisfactory to a *Licensing Officer*, a sign bearing the words "*Licensed Adult Videotape Store*".
 - (c) no person may circulate, post, distribute or cause to be distributed any poster, flyer, handbill or other form of printed advertising material, with respect to an *Adult Videotape Store Class "A" or "B"*, other than in the

interior of an *Adult Videotape Store Class "A"*, with the exception of advertising located in a newspaper or telephone directory;

- (d) no person shall include pictorial or symbolic representation of *specified body areas* and/or *specified sexual activities*, on exterior signs and advertisements relating to an *Adult Videotape Store Class "A" or "B"* and no such pictorial or symbolic representations shall be permitted on interior signs and advertisements in *Adult Videotape Stores Class "B"*;
- (e) 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 an *Adult Videotape Store Class "A"*, provided the content of such sign is not visible from the exterior of the *Adult Videotape Store Class "A"*;
- (f) any sign or advertising device otherwise permitted in respect of an *Adult Videotape Store Class "A" or "B"* under this By-law, shall not have any animation, flashing lights or be designed to revolve on an axis. For the purpose of this sub-section, "animation" shall mean any motion of a display or part thereof whether by mechanical or other action or the flashing on and off of its lights; and
- (g) where there is a conflict between the provisions of this By-law and the provisions of the Sign By-law No. 146-2002, as amended from time to time, the provisions of this By-law shall apply;
- (h) a licensee shall ensure that in his/her *Adult Videotape Store Class "A" or "B"*, no *Adult Videotape*, container for an *Adult Videotape*, or any visual images are displayed in such a manner as to be visible from outside the licensed premises;
- (i) a licensee shall ensure that in an *Adult Videotape Store Class "B"*, no *Adult Videotape* or container for an *Adult Videotape* shall be displayed in a location where it can be seen by *persons* in the store, unless:
 - i) such *Adult Videotape* or container is in a separate location in such store to which *persons* under the age of eighteen (18) years are not permitted to enter and such *Adult Videotape* or container is displayed in a location where it cannot be seen from outside such area; or
 - ii) the *Adult Videotape* or container is stored behind an opaque barrier located at least 1.5 metres (5 ft.) from floor level.

If not so displayed or offered in accordance with (i) or (ii) of this section, all *Adult Videotapes* in an *Adult Videotape Store Class "B"*, shall be

stored behind a counter, out of the view of the public, which counter is supervised by an employee who is at least 18 years of age.

AGE RESTRICTION

44. No licensee, or any *person* working in an *Adult Videotape Store Class "A"* or *Class "B"* shall:
 - (a) permit any *person* under the age of eighteen (18) years to enter or remain in an *Adult Videotape Store Class "A"*, or allow a *person* under the age of eighteen (18) to be within one (1) metre of any *Adult Videotape Area* in an *Adult Videotape Store Class "B"*;
 - (b) work in an *Adult Videotape Store Class "A"*, or that part of an *Adult Videotape Store Class "B"* in which *Adult Videotapes* are provided, unless such *person* is of the age of eighteen (18) years or older;
45. Every licensee shall post and keep posted at every entrance to any *Adult Videotape Store Class "A"* operated by such licensee, and in a prominent location inside such premises, signs sufficient to indicate clearly to any *person* approaching or entering the premises and to every *person* in the premises, that no *person* under the age of eighteen (18) years is permitted to enter or remain in such premises;
46. Every licensee of an *Adult Videotape Store Class "B"* shall affix in a prominent location inside such store and at every entrance to any *Adult Videotape Area*, signs sufficient to indicate clearly to *persons* in the store that no *person* under the age of eighteen (18) years is permitted to enter or remain in such *Adult Videotape Area*;

DEFINED AREAS AND LIMITATION ON NUMBERS OF LICENSES

47. All *Adult Videotape Stores Class "A"* shall be restricted to locations within the geographic area or areas designated in the *Town's Zoning By-law*, and no *Adult Videotape Store Class "A"* is permitted to operate in any other area or areas of the *Town*.
48. All *Adult Videotape Stores Class "B"* shall be restricted to locations within the geographic area or areas designated in the *Town's Zoning By-law*, and no *Adult Videotape Store Class "B"* is permitted to operate in any other area or areas of the *Town*.
49. The provisions of sections 47 and 48 do not apply so as to prevent the renewal of a license when the *Adult Videotape Store Class "A" or "B"* was being lawfully carried on at that location in accordance with the *Town's Zoning By-law* when the original licence was issued for the *Adult Videotape Store*

Class "A" or "B" at that location and has continued to be carried on at that location, and the *Adult Videotape Store Class "A" or "B"* is in compliance with all other applicable laws and all other requirements of this By-law.

50. A maximum of three (3) *Adult Videotape Stores Class "A" or "B"* shall be permitted within the Town of Milton and no licenses shall be issued under this By-law with respect to any additional *Adult Videotape Stores Class "A" or "B"*.

PENALTY

51. Every *person* who contravenes any provision of this By-law and any director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding one (1) year, or to both.
52. Notwithstanding section 51, a corporation which contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000.00.
53. This By-law shall be administered and enforced by an *Officer or Officers*.

VALIDITY OF BY-LAW

54. If a court of competent jurisdiction declares any provision, or part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of *Council* in 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 terms to the extent possible according to law.

SHORT TITLE

55. This By-law may be referred to as the *Adult Videotape Licensing By-law*.

EFFECTIVE DATE

56. This By-law shall come into force and effect on the date of final passing.

REPEAL

57. Bylaw No. 133-2001 is hereby repealed in its entirety.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 28th day of April, 2003.

“Gordon Krantz” Mayor
Gordon A. Krantz

“Troy McHarg” Clerk
Troy McHarg