



**MUNICIPALITY OF THE COUNTY OF PICTOU
ADULT ENTERTAINMENT PROHIBITION BY-LAW**

1. This by-law may be cited as the Adult Entertainment Prohibition By-Law.
2. In this by-law:

(a) “adult cabaret activity” includes the activities of providing or offering the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude or partially nude body of another person, or to observe, or view any such activity, whether or not contact occurs, and includes, without limiting the generality of the foregoing:

- (i) the provision, offer or use of any premises or parts thereof, whether those premises or any part thereof are public, semi-public, or private, to offer or to provide such opportunity;
- (ii) the hiring or retention by any means, direct or indirect, of any person to perform adult cabaret activity;
- (iii) the performance of adult cabaret activity;
- (iv) the advertising of adult cabaret activity;

but nothing in the definition of “adult cabaret activity” shall be construed to apply to the public presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or either similar establishment as a form of expression of opinion or the communication of ideas or information;

(b) “adult services activity” includes the activities of offering or providing services or opportunities that do or are designed to appeal to erotic or sexual appetites or inclination, and includes, without limiting the generality of the foregoing:

- (i) activities which feature nudity or partial nudity of any person;
- (ii) activities in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, either on or off the premises in which the adult service activity occurs or is to occur;

- (iii) the offering, provision, or use of any premises or part thereof, for such activities, whether those premises or any part thereof are public, semi-public or private;
 - (iv) the hiring or retention by any means, direct or indirect, of any person to perform adult services activity;
 - (v) the performance of adult services activity;
 - (vi) the advertising of adult services activity;
- (d) “by-law officer” means a by-law officer of the County;
- (e) “County” means the Municipality of the County of Pictou;
- (f) “massage parlour activity” includes the activities of providing or offering massages, body rubs, alcohol rubs, baths or similar activities, where those activities are performed, offered, advertised, or solicited by persons in pursuance of a trade, calling, business, occupation, and includes, without limiting the generality of the foregoing:
- (i) the equipping or arranging of premises or parts thereof so as to provide for such activity;
 - (ii) the offering, provision or use of any premises or any part thereof for such activities, whether those premises or any part thereof are public, semi-public or private;
 - (iii) the hiring or retention by any means, direct or indirect, of any person to perform massage parlor activity;
 - (iv) the performance of massage parlor activity;
 - (v) the advertising of massage parlor activity;
- but does not include any premises or parts thereof where treatment is routinely offered or preformed for the purpose of medical or therapy and for that sole purpose and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or registered massage therapist under the laws of the Province of Nova Scotia;
- (g) “partial nudity” means less than completely covered or opaquely covered human genitals, human pubic region, human buttocks, or female breast below a point immediately above the top of the areola, and “partially nude” or cognate expressions have the same meaning.

3. Adult cabaret activity is prohibited within the geographical boundaries of the County.
4. Adult services activity is prohibited within the geographical boundaries of the County.
5. Massage parlour activity is prohibited within the geographical boundaries of the County.
6. No person, within the geographical boundaries of the County, shall engage in any of the following activities:
 - (a) adult cabaret activity;
 - (b) adult services activity;
 - (c) massage parlour activity.
7. (1) Any person who violates any provision of this by-law commits an offence punishable on summary conviction.

(2) Any person found guilty of an offence against this by-law is liable upon summary conviction to a penalty of not less than ten thousand (\$10,000.00) dollars and in default of payment, to imprisonment for a term of not more than twelve (12) months.

(3) Every day during which an offence continues under subsection (1) is a separate offence.
8. (1) Every By-Law Officer, and any assistants he may reasonably require, when engaged in determining whether this By-law is being complied with, may enter upon and pass over any land and may enter upon or into private property, and there carry out any inspection necessary to determine whether this by-law is being complied with, or for the purposes of enforcement or maintenance of this by-law.

(2) No By-Law Officer or any assistant commits an offence by reason only of his entry onto lands or upon or into private property pursuant to subsection (1) of this section, and neither he, nor any assistant, nor the Municipality, shall have or suffer any criminal or civil liability for any act done or omitted to be done under subsection (1) of this section.
9. Where any person is found guilty of an offence under this by-law, whether a conviction is entered or not, the court, in addition to any other punishment that may be imposed, may make an order directing that the offender do any or all acts

necessary to remedy any contravention of this by-law and such order may include, but is not limited to:

- (a) ordering the removal of any signage advertising any act, activity or thing prohibited by this by-law;
- (b) ordering that the offender cease and desist from carrying on or attempting to carry on, directly or indirectly, any activity prohibited by this by-law;
- (c) ordering impounding or disposing of, including the sale or destruction, of any thing used in a contravention of this by-law;
- (d) ordering the charging or collecting the costs of any order made under this section, including the power to order those costs to be a first lien on the property affected; and
- (e) imposing a penalty for the offence that is in addition to a fine or imprisonment if that penalty relates to a fee, cost rate, toll or charge that is associated with the conduct that gives rise to the offence.

10. A person who has contravened any part of this By-law may offer to pay to the County, the sum of two thousand five hundred (\$2,500.00) dollars to avoid prosecution and, if the County agrees to accept that payment, and the payment is made, that person will not be prosecuted for the contravention.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law duly adopted by the Municipal Council for the Municipality of the County of Pictou at a duly called meeting of the Municipal Council held on the 9th day of June, 2008.

GIVEN under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 10th day of June, 2008.

BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising:</u>	<u>1st Reading</u>	<u>2nd Reading</u>
The News	05/14/08	06/14/08
Pictou Advocate	05/14/08	06/18/08

