

## Adult Merchandise Instructions

**Please note:** Adult merchandise business owner must come in person with below required documents. Please book your appointment online Walk-ins permitted during business hours.

<https://www.brampton.ca/EN/Online-Services/Skip-the-line/Pages/appointment-booking.aspx>

### **Requirements for obtaining the above licence:**

**\*NOTE:** An adult merchandise and/or video store cannot be located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone.

1. **Licence Application Form**

Business and owner information to be entered online.

2. **Zoning Approval** Flower City Community Campus  
8850 McLaughlin Road South, Unit 1

The approval must be stamped on the completed Licence Application Form.

3. **Certificate of Insurance**

The insurance form must be completed and signed by your insurer.

4. **Criminal Record Search**

A Criminal Record Search must be conducted for Owner of the business and must be done within 30 days of the Licence Application

5. **Business Registration and/or Articles of Incorporation**

**(master business licence is required when a business is operating as a different name from the corporation, unless the business is a franchise)**

6. **Fee** - \$673.00 – Class A Licence – primary business is Adult  
\$214.00 – Class B Licence – less than 10% of sq. footage of retail is Adult

**\*\*NO Cash payments permitted at this time**

- Due Date- April 30<sup>th</sup> of every year

## **SCHEDULE 3**

### **RELATING TO ADULT MERCHANDISE BUSINESSES**

1. In this Schedule:

- (1) "Adult Merchandise Store" means any Premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods Designed to Appeal to Erotic or Sexual Appetites or Inclinations;
- (2) "Adult Video" means any Video, Digital Video Disc (DVD) or other electronic format, and films, the container of which is 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 human body areas; "Adult Video" also includes, in the absence of evidence to the contrary, a video classified by the Ontario Film Review Board as "restricted" and required to be characterized with the added information piece "adult sex film".
- (3) "Class 'A' Adult Merchandise Store" means an Adult Merchandise Store in which the principal business carried on is the provision of Adult Merchandise;
- (4) "Class 'B' Adult Merchandise Store" means an Adult Merchandise Store in which the portion of the floor area devoted to the display of adult merchandise to the public is less than 10% of the total area devoted to the display of all merchandise within the business premises;
- (5) "Merchandise" includes, but is not limited to: magazines, books, pictures, slides, films, videos or Adult Videos or other electronic format, phonograph records, pre-recorded magnetic tapes, compact discs, digital video discs, novelties, devices or tools, the container or 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, or display of contents, of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities or by an emphasis on the display of specified human body areas.

### **LICENSING REQUIREMENTS**

2. No Person shall operate an Adult Merchandise Store unless it is licensed under this By-law.
3. No Licence for a Class 'A' Adult Merchandise Store, will be issued or renewed under this By-law unless the Adult Merchandise Store is located in a permitted area and is not located closer than 500 metres measured on a continuous path over the shortest distance from a dwelling unit or a residential zone.
4. At the time of enactment of this By-law, the provisions of Section 3 do not apply to a Person who was carrying on the business of an Adult Merchandise Store on or before March 28, 1994.
5. The provisions of Section 3 shall not apply so as to prevent the renewal of a Licence when, subsequent to the valid issuance of a Licence under this By-law, a dwelling unit has been located or a residential zone created within 500 metres of the Adult Merchandise Store for which the Licence was granted.
6. In addition to the General Licensing provisions contained in this By-law, every Applicant for a new Adult Merchandise Store and at the discretion of the Licence Issuer, for the renewal of a Licence shall submit a Criminal Record Search dated within 30 days of the Application, conducted Police Services in which the Applicant resides or from an approved provider of criminal record checks in Canada, for the Owner where the Owner is an individual; for each partner where the Owner is a partnership, and for each director of the corporation where the Owner is a corporation.

## **GENERAL REQUIREMENTS**

7. Every Person who provides Adult Merchandise in a Class 'A' or 'B' Adult Merchandise Store shall:
  - (a) Ensure that no Adult Merchandise shall be displayed in such a manner so as to be visible from outside the store;
  - (b) Maintain on the premises, available for inspection by the Licence Issuer, Police or By-law Enforcement Officer, a current list of all Adult Merchandise, including Books and Videos;
  - (c) Ensure that any person working in the Adult Merchandise Section/Store is of the age of 18 years or older;
  - (d) Keep the premises in a clean and sanitary condition.

## **SIGNS**

8. No Person shall advertise an Adult Merchandise Store by way of a sign unless the sign:
  - (a) Is erected only on the property where the Adult Merchandise is being sold;
  - (b) Contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like meaning or implication, has no animation, flashing lights or is designed to revolve on an axis;
  - (c) For the purpose of this section, "animation" shall mean any motion of a display or part thereof, whether by mechanical action or the flashing on and off of its lights;
  - (d) Is in compliance with the City's Sign By-law.

## **CLASS 'A'**

9. Every Person who provides Merchandise in a Class 'A' Adult Merchandise Store shall:
  - (a) Ensure that no person under the age of 18 years is permitted to enter the premises;
  - (b) Post and keep posted at every entrance to the premises, and in a prominent location inside such a store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of 18 is permitted to enter the store or remain in such store or part thereof;
  - (c) Ensure the exterior signs and advertisements relating to the Adult Merchandise Store and to the provision of Adult Videos shall be restricted to the words "Adult Merchandise" and "Adult Videos" and shall not include pictorial representation of specified body parts or specified sexual activities;
  - (d) Ensure that the floor space on which Merchandise is provided shall have no area enclosed or partitioned by any wall extending from the floor to a height in excess of 1.8 metres from the floor. Any such room or space shall be open at all times to all persons attending the Adult Merchandise Store during its business hours.

## **CLASS 'B'**

10. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall ensure that no person under the age of 18 years is permitted within one metre of any Merchandise area in accordance with this By-law.
11. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall not permit any Merchandise to be displayed at a height of less than 1.5 metres above floor level, unless such Merchandise is in a part of the premises where the public is not permitted physical access and which is not visible to the public.

12. Every Person who provides Merchandise in a Class 'B' Adult Merchandise Store shall ensure that:

- (a) No adult magazine, adult book, Adult Video, Adult Video container or any other printed material or visual image which reveals a specified body area or a specified sexual activity, or any other Merchandise referred to in section 1(5) is displayed outside of the designated adult area;
- (b) No adult magazine, adult book, Adult Video, Adult Video container or any other printed material or visual image which reveals a specified body area or a specified sexual activity, or any other merchandise referred to in section 1(5) is displayed in such a way that it may be viewed from outside the designated adult area.

13. A business in which less than 10% of magazines displayed, that fall within the definition of Adult Merchandise, is not required to be licensed under this By-law.

**Adult Merchandise License Application**

**Licensing - Administration**  
2 Wellington Street West  
Brampton, ON L6Y 4R2  
Tel: (905) 874-2580  
Fax: (905) 874-2119

License Type: \_\_\_\_\_  
Expiry: \_\_\_\_\_  
Fee: \_\_\_\_\_  
File#: \_\_\_\_\_  
New:

**Business Information:**

Corporate Name: \_\_\_\_\_  
Business Name o/a: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Telephone Number:(\_\_\_\_) - \_\_\_\_ - \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**Owner(s) / Principal(s):**

Name: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
Telephone Number:(\_\_\_\_) - \_\_\_\_ - \_\_\_\_\_

**Owner(s) / Principal(s):**

Name: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
Telephone Number:(\_\_\_\_) - \_\_\_\_ - \_\_\_\_\_

**APPLICANT'S DECLARATION**

This application is hereby made for a license in accordance with the information shown above. I agree to conform to the regulations and applicable schedules as set out in the City of Brampton Licensing By-Law.

The "Licensee" shall indemnify, defend and hold harmless the City of Brampton from, and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of the "Licensee" or its officers, employees, subcontractors, or agents under this license.

Date: \_\_\_\_\_ Applicant's Signature \_\_\_\_\_

\*\*\*\*\*  
The personal information on this form is collected under authority of Section 150 of the Municipal Act, SO 2001, c. 25 and the City of Brampton Licensing By-law. The information will be used for the purpose of issuing the required type of license. Questions about the collection of personal information should be directed to the City of Brampton Freedom of Information and Privacy Co-ordinator 2 Wellington ST W, Brampton ON