

1975 Bill 220
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 220

AN ACT RESPECTING BODY-RUB PARLOURS AND NUDE
PARLOURS

MR. TAYLOR

First Reading

Second Reading

Third Reading

Bill 220
Mr. Taylor

BILL 220

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(Second Session)

AN ACT RESPECTING BODY-RUB PARLOURS AND NUDE PARLOURS

(Assented to , 1975)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "Body-rub" means kneading, manipulating, rubbing, massaging, touching or physically stimulating, by any direct or indirect means, a person's body or part thereof, but does not include medical or therapeutic treatment given by a person duly qualified, licensed or registered so to do under the laws of the Province;
- (b) "Body-rub parlour" means a service or business where a body-rub is performed, offered or solicited;
- (c) "Nude parlour" means a service or business which is performed nude or in the presence of any nude person and where a fee is received for the service or business being carried out but does not include medical or therapeutic treatment given by a person duly qualified, licensed or registered so to do under the laws of the province where the only nude person present is the person receiving the treatment;
- (d) "Nude" means dressed in such a way that the reproductive organs are not fully concealed with a conventional article of non-transparent clothing;
- (e) "Municipality" means a city, town, village, summer village, hamlet, municipal district or county;
- (f) "Owner" includes lessees, franchisees, licensees and shareholders in corporate owners.

2. The council of a municipality may pass by-laws for licensing, regulating, governing and inspecting body-rub parlours or nude parlours, for revoking or suspending any licence granted, and for limiting the number of such licences

Explanatory Notes

General:

Some cities in Canada have been plagued with a multitude of body-rub parlours and businesses offering nude photography, nude ping pong, nude dancing and even nude meditation. Some fifty of these congested Yonge Street in Toronto, with many of them distributing literature, some of which was in bad taste, to all who passed by.

This Bill gives the municipalities in Alberta the necessary muscle to deal with this matter before it becomes a serious problem here.

1. Definitions.

2. Gives municipalities the right to license or to refuse to license body-rub parlours, etc., and to regulate them and to limit the number and location of such establishments.

to be granted in the whole or in any part of the municipality or for stipulating that no licences may be granted in a part or in parts of a municipality.

3. The council of a municipality may refuse to grant or may cancel a licence to operate a body-rub parlour or nude parlour where any person who is an owner or operator or proposed owner or operator has been convicted of any offence under the *Criminal Code (Canada)* that in the opinion of the council is relevant to the suitability of that person to be an owner or operator.

4. In establishing licence fees for body-rub parlours and nude parlours, the municipality may set such licence fees as it considers appropriate for regulating body-rub parlours and nude parlours and for the purpose of raising revenue. Subsections (3) and (4) of section 214 of *The Municipal Government Act* shall not apply to the establishment of such licence fees. However, the annual licence fee for any one body-rub parlour or nude parlour shall not exceed One Thousand Dollars.

5. A by-law passed under this Act may provide for the regulation, prohibition or limitation of the distribution, location, placement, construction, size, nature and character of signs, advertising, and advertising devices used for the purpose of promoting body-rub parlours or nude parlours.

6. Where in a municipality a medical officer of health or a public health inspector acting under his direction, or a peace officer, has reasonable grounds to believe that a breach of any provision of this Act or of a by-law passed hereto has occurred in premises within the municipality, he may enter such premises at any time to enforce any by-law passed under this Act or any provision of this Act.

7. It is an offence for anyone to admit, or to help a person under the age of eighteen years to gain entry to a body-rub parlour or nude parlour for any purpose.

8. Any person admitting a person under the age of eighteen years to a body-rub parlour or nude parlour is guilty of an offence and liable on summary conviction to a fine of not less than Two Hundred Dollars and not more than Five Hundred Dollars or imprisonment for not more than six months or to both fine and imprisonment.

9. Any person under the age of eighteen years who makes a false statement or uses any form of forged identification to prove he is of the age of eighteen years or more when in fact he is not of such age, in order to gain entry to a body-

3. Criminal record taken into account.

4. Establishes maximum licence fee.

Section 214, subsections (3) and (4), of The Municipal Government Act, reads as follows:

(3) A licence fee may be in the nature of a reasonable tax for the privilege conferred by the licence or for the purpose of raising revenue and may be computed in any manner accepted by the council.

(4) In fixing a licence fee the council shall, where applicable, have regard for the business tax payable by similar businesses in the municipality.

5. Permits regulation of advertising material.

6. Permits inspection by municipal health or peace officers.

7.-11. Offences and penalties relating to body-rub parlours and nude parlours.

rub parlour or nude parlour, is guilty of an offence and liable on summary conviction to a fine of not less than Fifty Dollars and not more than Two Hundred Dollars.

10. Any person being the owner or operator of a body-rub parlour or nude parlour and not keeping on any premises where the parlour operates a valid licence to do so, is guilty of an offence and liable on summary conviction to a fine of not more than One Thousand Dollars or imprisonment for not more than one year or to both fine and imprisonment.

11. Any person who is the owner or operator of a body-rub parlour or a nude parlour in premises which are designed or constructed or equipped in such a way as to hinder or prevent the enforcement of any provision of this Act or any by-law passed pursuant hereto is guilty of an offence and liable on summary conviction to a fine of not less than Five Hundred Dollars and not more than One Thousand Dollars or imprisonment for not more than one year or to both fine and imprisonment.

12. Subject to the modifications and exceptions set out in this Act, *The Municipal Government Act* applies, mutatis mutandis, to the licensing and regulation by a municipality of body-rub parlours and nude parlours.

13. This Act shall come into force on the day upon which it is assented to.

12. The Municipal Government Act applies.