

BYLAW NO. 2020-61

THE BODY RUB ESTABLISHMENT LICENSING BYLAW

WHEREAS pursuant to *The Cities Act*, the city has the power to pass any bylaws for city purposes that it considers expedient in relation to: the peace, order and good government of the city; the safety, health and welfare of people and the protection of people and property, nuisances that affect the amenity of a neighbourhood and businesses, business activities and persons engaged in business;

WHEREAS the City of Regina considers it expedient to regulate body rub establishment businesses, business activities and persons engaged in body rub businesses to address safety, health and welfare of persons and the amenity of neighbourhoods; and

WHEREAS the City of Regina recognizes Parliament's jurisdiction to pass criminal laws and has no intention to abrogate or licence any activity intended to be an offence under the *Criminal Code* nor to create, duplicate or override criminal laws.

THEREFORE, THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Part I – Purpose, Authority, Schedules and Interpretation

Purpose

- 1 The purpose of this Bylaw is to establish a licensing scheme and provide regulatory requirements for body rub establishments and workers.

Authority

- 2 The authority for this Bylaw is sections 8 and 9 of *The Cities Act* and in particular, clauses 8(1)(b), 8(1)(d), 8(1)(h) and 8(3).

Schedules

- 3 The following schedules are attached to and form part of this Bylaw:

Schedule A - Fees

Definitions

- 4 In this Bylaw:
- (a) **“affiliated”** means a person who offers, arranges, supervises, schedules, provides or is paid to perform body rub services; or works, either as an employee, contractor or other relationship, in a body rub establishment;
 - (b) **“applicant”** means a person who applies for a licence issued pursuant to this Bylaw and includes every operator of a body rub establishment in the case of a body rub establishment licence application;

Approved as to form this _____ day of _____, 20____.

City Solicitor

- (c) **“Board”** means the Regina Appeal Board established pursuant to Bylaw 2005-4 being *The Regina Appeal Board Bylaw*;
- (d) **“body rub establishment”** means: “Service Trade, Body Rub Establishment” as defined in *The Regina Zoning Bylaw, 2019* and includes any business where the services, activities offered or premises described in the referenced definition are offered, advertised in relation to or equipped to be offered and a reference to body rub establishment includes every operator thereof;
- (e) **“body rub services”** means any of the services described in the definition of body rub establishment;
- (f) **“body rub worker”** means a person affiliated with a body rub establishment;
- (g) **“bylaw enforcement officer”** means any person employed or appointed by the City as a bylaw enforcement officer;
- (h) **“certificate of approval”** means a certificate of approval as described in section 16 of this Bylaw;
- (i) **“certificate of approval review board”** means a review board or other body or person established by the Regina Police Service for the purposes of reviewing certificate of approval appeals;
- (j) **“Chief of Police”** means the Chief of the Regina Police Service or designate;
- (k) **“City”** means the municipal corporation of the City of Regina or where the context requires the geographical area within city limits;
- (l) **“City Manager”** means the City Manager for the City of Regina or designate;
- (m) **“development officer”** means development officer as described in *The Regina Zoning Bylaw, 2019*;
- (n) **“development permit”** means development permit as described in *The Regina Zoning Bylaw, 2019*;
- (o) **“licensee”** means a person who holds a licence issued pursuant to this Bylaw and includes every operator of a body rub establishment in the case of a body rub establishment licence;

- (p) **“licence inspector”** means any person employed with the City in the following positions and includes any designate of that person:
- (i) City Manager;
 - (ii) Manager, Licensing and Parking Services;
 - (iii) Licensing Coordinator, Licensing and Parking Services; and
 - (iv) Licensing Officer;
- (q) **“operate”** or **“operator”** means to own, occupy, carry on business, or operate and includes any person who alone or with others controls, governs, manages, supervises, directs or is responsible for the activity carried on or offered at the premises and includes the person who is actually in charge at any particular time, every director and officer of a corporate entity, every partner or joint venturer in a partnership or joint venture and any owner or lessee of the premises upon which a body rub establishment is located;
- (r) **“patron”** means any person who attends at the body rub establishment for the purpose of receiving services;
- (s) **“person”** means an individual, proprietorship, partnership, corporation, association, or other legal entity;
- (t) **“valid”** means has not been refused, revoked, cancelled, expired, suspended or subject to conditions or restrictions limiting the authorization in the circumstances.

Part II – Licensing

Licence Required

- 5(1) No person shall operate a body rub establishment in the City without a valid and subsisting licence issued in accordance with this Bylaw.
- (2) A licence shall be required for each location and every operator shall be named as an applicant in the licence application.
- (3) If an operator of a body rub establishment is also a body rub worker, that person must also hold a licence as a body rub worker issued pursuant to this Bylaw.
- 6 No person shall offer, arrange, supervise, schedule, provide services or work, either as an employee, contractor or other affiliation, in a body rub establishment, without a valid and subsisting body rub worker licence issued in accordance with this Bylaw.

Licence Application Body Rub Establishment

- 7(1) Every applicant for a body rub establishment licence or the renewal of a body rub establishment licence shall provide all of the following, to the satisfaction of the licence inspector and in the form approved by the licence inspector:
- (a) an application in a form and content approved by the licence inspector;
 - (b) the address of the proposed place of business;
 - (c) the name of every operator of the body rub establishment, all of which will be considered as the applicant, including the full name, mailing address and telephone number for each person;
 - (d) a list of all business names, pseudonyms or aliases used in the past 12 months, currently in use or intended to be used during the licence period for every operator and the body rub establishment;
 - (e) where any applicant is a corporate entity, the legal name and certified copies of any incorporating documents reasonably required by the licence inspector to verify the corporate identity of the applicant;
 - (f) original valid government issued identification and documentation which verifies, for every operator:
 - (i) the identity of the person including a photo and unique identification number;
 - (ii) that the person is 18 years of age or older;
 - (iii) proof of residency or entitlement to work in Canada with such documentation containing no restrictions which may apply to the services provided in a body rub establishment, such as restrictions related to work in a body rub establishment, massage parlour, or similar work;
 - (g) a certificate of approval that is no older than 30 days at the time the application is complete, for every operator;
 - (h) proof of completion of a body rub establishment training program approved by the licence inspector completed within 90 days prior to the date of application for every operator;
 - (i) the approved development permit for the premises which approves the use “Service Trade, Body Rub Establishment” and if any conditions have been

- imposed as part of the development permit, proof that all conditions have been met;
- (j) proof of any other approval required by law;
 - (k) all applicable fees required by Schedule A to this Bylaw;
 - (l) take part in any interview requested by the licence inspector intended to verify compliance with this Bylaw or to provide information to the applicant;
 - (m) any other information or documentation required or requested by the licence inspector in order to verify compliance with this Bylaw.
- (2) In addition to the requirements in section (1), every applicant for a body rub establishment licence or the renewal of a body rub establishment shall do the following, to the satisfaction of the licence inspector:
- (a) apply in person at the location required by the licence inspector, and if operated by multiple persons, each person is required to attend in order to provide the verification required by this Bylaw;
 - (b) take part in any interview requested by the licence inspector or Chief of Police intended to verify compliance with this Bylaw or to provide information to the applicant;
 - (c) submit to any inspection requested by the licence inspector or Chief of Police intended to verify compliance with this Bylaw.
- 8(1) A body rub establishment licence is only valid in relation to the operators named in the application form.
- (2) If a body rub establishment has a change in its operators during the term of the licence, then the licence shall be deemed to be expired.
- 9 The licensee or applicant in relation to a body rub establishment licence shall immediately notify the licence inspector in writing of any change to the information supplied in the licence application.
- 10 In the case of a body rub establishment operated only by the body rub worker affiliated with that establishment and no other body rub workers are affiliated with the establishment, the licence inspector may consolidate the application process for the establishment and worker into one application provided that all of the application requirements of this Bylaw are met.

Compliance with Laws

- 11(1) It shall be a condition of every body rub establishment licence that the licensee maintain, on a continuous basis, the standards and requirements necessary to obtain the licence, any standards imposed by this bylaw and compliance with all applicable laws.
- (2) The issuance of a licence by the City does not relieve that person of the responsibility to conform with any other law.

Licence Application Body Rub Worker

- 12(1) Every applicant for a body rub worker licence or renewal thereof shall provide all of the following, to the satisfaction of the licence inspector and in the form approved by the licence inspector:
- (a) an application in a form and content approved by the licence inspector;
 - (b) the name and address of the licensed body rub establishment with which that worker will be affiliated;
 - (c) full name, mailing address and telephone number;
 - (d) a list of all business names, pseudonyms or aliases used in the past 12 months, currently in use or intended to be used during the licence period;
 - (e) original valid government issued identification and documentation which verifies:
 - (i) the identity of the person including a photo and unique identification number;
 - (ii) that the person is at least 18 years of age;
 - (iii) proof of residency or entitlement to work in Canada with such documentation containing no restrictions which may apply to the services provided in a body rub establishment, such as restrictions related to work in a body rub establishment, massage parlour, or similar work;
 - (f) a certificate of approval that is no older than 30 days at the time the application is complete;
 - (g) proof of completion of a body rub establishment training program, completed within 90 days prior to the date of application, approved by the licence inspector;

- (h) all applicable fees required by Schedule A to this Bylaw.
- (2) In addition to the requirements in subsection (1), every applicant for a body rub worker licence or renewal thereof shall meet the following requirements to the satisfaction of licence inspector:
- (a) that the applicant apply in person at the location required by the licence inspector;
 - (b) that a photograph be taken of the applicant by the licence inspector for placement on the licence;
 - (c) that the applicant take part in any interview or education session requested by the licence inspector or Chief of Police regarding safety, education on rights and similar topic.
- 13 The licensee or applicant for a body rub worker licence shall immediately notify the licence inspector in writing of any change in the information provided by the body rub worker in the licence application.
- 14 Every body rub worker shall produce the licence issued by the City when requested to do so by any person authorized by this Bylaw to enforce this Bylaw.
- 15 Every body rub worker shall participate in an interview or education session requested by the licence inspector or Chief of Police regarding safety, education on rights or similar topic at any time during the term of the licence as a condition of maintaining the worker's licence.

Certificate of Approval

- 16(1) Every applicant for a body rub establishment licence or body rub worker licence shall be required to hold a valid certificate of approval issued by the Chief of Police in accordance with the policy of the Regina Police Service for the duration of the licence term.
- (2) A certificate of approval may include a full enquiry into the applicant's suitability for a licence in the opinion of the Chief of Police, which may include, but is not limited to: an interview, background checks determined to be appropriate by the Chief of Police, eligibility to work in Canada, circumstances of offences, involvement in criminal activity relevant to operation of a body rub establishment.
- (3) Any decision to deny, suspend or revoke a certificate of approval may be appealed by the applicant to the certificate of approval review board, in writing in a form approved by the Chief of Police including the reasons for the appeal.

- (4) The certificate of approval review board shall provide its decision in writing to the applicant.
- (5) Notwithstanding anything contained herein, the Chief of Police is authorized to carry out a review, suspend or revoke any certificate of approval at any time.
- (6) Where a certificate of approval is denied, suspended or revoked pursuant to this section, the Chief of Police shall notify the licensee and the licence inspector immediately.

Inspection

- 17(1) Subject to Part IV of this Bylaw, every body rub establishment shall allow an inspection of the body rub establishment or comply with any request of the licence inspector or the Chief of Police for production of documents, records or other information at any time during the term of the licence as a condition of maintaining the body rub establishment licence.
- (2) Subject to Part IV of this Bylaw, every body rub establishment shall allow an inspection of the body rub establishment in order to facilitate the licence inspector or Chief of Police to make any contact with a body rub worker who is or may be affiliated with the business.

Licence Issuance

- 18 Upon filing of a completed application for a licence issued pursuant to this Bylaw, the licence inspector shall, following a reasonable period to review and conduct any further inquiry required to verify the information provided or as otherwise described in this Bylaw, either issue a licence, with any conditions the licence inspector deems appropriate, or refuse to issue or renew the licence.

Prohibition on Transfer

- 19 A licence does not confer any property right and no licensee may sell, transfer, assign, lease or otherwise dispose of or deal in the licence or the operator's interest in the licence.
- 20 Without limiting the generality of section 8, if a licensee with an operator that is a corporation is amalgamated, sold, transferred, dissolved or if any of its directors change, the licence is deemed to be expired.
- 21 If a body rub establishment relocates, the licence is deemed to be expired.

Licence Term

- 22 The term of a licence shall be from January 1 to December 31 in the same calendar year or if issued after January 1, the remaining portion of the calendar year in which the licence was issued.

Conditions

- 23(1) The licence inspector may impose any additional conditions on a licence issued pursuant to this Bylaw that are consistent with the intent of this Bylaw where the licence inspector is satisfied that:
- (a) the condition is necessary to ensure compliance with any requirements of this Bylaw;
 - (b) it is in the public interest to do so.
- (2) The licence inspector shall provide notice of any decision to impose conditions pursuant to this Bylaw to the licensee by mail at the address provided by the licensee on its application form.
- (3) The notice sent pursuant to subsection (2) shall advise the licensee of the reasons for the decision and the right to appeal to the Board, if available.
- (4) Nothing in this section limits the licence inspector's power to suspend, revoke or refuse to issue or renew a licence.

Licence Suspension, Revocation, Refusal

- 24(1) The licence inspector may suspend, revoke or refuse to issue or renew any licence pursuant to this Bylaw if:
- (a) the applicant or licensee fails to pay any fee required by this Bylaw;
 - (b) the applicant or licensee fails to provide any information required by this Bylaw;
 - (c) the licence was issued in error or based on false or misleading information;
 - (d) the licence inspector reasonably believes that the applicant or licensee has given false or misleading information in its application;
 - (e) the applicant or licensee does not or no longer meets the application requirements or any requirement of this Bylaw;
 - (f) the licence inspector reasonably believes that the applicant or licensee is in violation of any provision of this Bylaw or any other law;
 - (g) the applicant or licensee or a person affiliated with the licensee has refused to allow an inspection of the body rub establishment as authorized by this Bylaw;

- (h) any certificate of approval, development permit, licence, certification or similar process that is required as part of the application process is no longer valid, has been cancelled, revoked, denied or suspended;
 - (i) the licensee, or any director or officer, owner or operator of the licensee, or related corporate or other entity has previously been denied or had their licence suspended, revoked or refused pursuant to this Bylaw, or has been a director or officer, owner or operator of another entity which has had their licence suspended, revoked or refused pursuant to this Bylaw or is otherwise not eligible for a licence pursuant to this Bylaw; or
 - (j) continuance, issuance or renewal of the licence is not in the public interest.
- (2) The licence inspector shall send notice of any decision to suspend, revoke or refuse to issue or renew a licence pursuant to this Bylaw to the applicant or licensee by mail at the address provided by the applicant or licensee.
 - (3) The notice sent pursuant to subsection (2) shall advise the applicant or licensee of the reason for the decision and the right to appeal to the Board, if available.
- 25(1) Should the licence inspector suspend or revoke a licence, or the licensee wish to cancel or return a licence, the fee paid by the licensee shall not be returned.
- (2) Should the licence inspector refuse to issue the licence, the fee paid by the applicant shall be returned to the applicant.

Powers Additional

- 26 The power to suspend, revoke or refuse to issue or renew a licence or place conditions on a licence is in addition to the penalties contained in this Bylaw for breach of this Bylaw.
- 27 The licence inspector may suspend, revoke or refuse to issue or renew a licence or place conditions on a licence whether or not any person has been charged or convicted of an offence under this Bylaw or any other law.

Appeal

- 28 Subject to section 29, where the licence inspector has made any of the following decisions, the applicant or licensee to whom the decision relates may appeal that decision to the Board within 30 days of the date of the decision:
- (a) refused to issue or renew a licence under this Bylaw;
 - (b) revoked a licence under this Bylaw;

- (c) imposed a condition on the licence other than a condition that is a requirement of this Bylaw.
- 29 Any decision of the licence inspector that is a result of the revocation, cancellation, failure to obtain or error with respect to a certificate of approval, development permit, or any other permit in relation to which an appeal process has been established, shall not be eligible for appeal to the Board.
- 30 An appeal to the Board must be in writing and must be served on the City Clerk within 30 days of the date of the decision appealed from.

Stay of Decision

- 31(1) An appeal does not operate as a stay of the decision appealed from unless the licensee applies for a stay and the Board grants a stay.
- (2) The Board may only consider an application for a stay where:
- (a) the licensee has appealed the licence inspector's decision to revoke or refuse to renew the licence or apply conditions to the licence; and
 - (b) the licensee has applied for a stay in writing and has served this request on the City Clerk.
- (3) Where a stay is granted pursuant to this section, the licence revocation, refusal to renew or conditions applied are stayed until the Board makes a decision as to the appeal.

Part III – Body Rub Establishment Requirements

Operations

- 32 Every operator of a body rub establishment shall:
- (a) include the licence number assigned to the body rub establishment by the licence inspector pursuant to this Bylaw in or on every sign or advertisement in relation to the body rub establishment or any body rub worker affiliated with the body rub establishment;
 - (b) not be open for walk-in customers or pre-arranged services and shall not offer or provide services at its premises between the hours of midnight and 11:00 am;
 - (c) ensure that two body rub workers are present on the premises at all times when the body rub establishment is open for walk in customers or pre-arranged bookings or is providing services;

- (d) maintain a list of all body rub workers affiliated with the body rub establishment, including the following information, and immediately produce the list to anyone authorized to enforce this Bylaw upon request of that person:
 - (i) the full name of each body rub worker;
 - (ii) the birth date of each body rub worker;
 - (iii) any pseudonyms or aliases used by the body rub worker;
 - (iv) the telephone number of the body rub worker; and
 - (v) the licence number of the body rub worker;
- (e) provide any information to body rub workers or patrons or post any information within the body rub establishment requested to be provided or posted by the licence inspector or the Chief of Police;
- (f) not advertise or offer the services of any body rub worker who is not licenced pursuant to this Bylaw.

Premises

33 Every operator of a body rub establishment shall ensure that:

- (a) a valid licence issued pursuant to this Bylaw in relation to the body rub establishment is posted on its premises in a prominent and visible location at or near the entrance of the business premises;
- (b) there are no locking mechanisms on any interior door except where required by law, such as the building or fire code in force in Saskatchewan;
- (c) entrances to the premises are well lit and free from obstructions; and
- (d) working panic alarms are installed and maintained in or immediately adjacent to all rooms where service is provided.

Patrons

34 Every body rub worker and operator of a body rub establishment shall:

- (a) require all patrons to use the front entrance for entry and exit from the building;
- (b) not provide service to any patron:

- (i) who appears to be under the influence of alcohol or drugs;
- (ii) who is under the age of 18 years;
- (c) require government issued identification to be produced by all patrons in order to verify that the person is not under the age of 18 years.

Part IV – Enforcement

Enforcement Officials

35 For the purposes of any inspection authorized by this Bylaw, enforcement of this Bylaw and sections 324, 325, 326 and 328 of *The Cities Act*, the licence inspector, development officer, a bylaw enforcement officer and any member of the Regina Police Service are designated officers and authorized to inspect premises, enforce this Bylaw and undertake any action authorized pursuant to *The Cities Act*.

Inspection

36 Every body rub establishment operator shall permit any person authorized by this Bylaw to enter and inspect any business premises for the purpose of determining compliance with this Bylaw.

37(1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.

(2) Inspections pursuant to this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.

(3) If a person refuses to allow or interferes with an inspection authorized by this section or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

Offences

38 It is an offence:

- (a) to fail to comply with or contravene any provision of this Bylaw;
- (b) for a body rub establishment to have in its employ, contract or affiliation, or advertise or offer the services of a body rub worker who does not have a valid licence issued pursuant to this Bylaw;
- (c) to advertise or cause or allow to be advertised the provision of body rub establishment services unless the worker and/or body rub establishment advertised holds a valid licence issued pursuant to this Bylaw;

- (d) for a person to hold themselves out to be licenced under this Bylaw unless they hold a valid licence issued pursuant to this Bylaw;
 - (e) to fail to comply with any condition imposed on a licence;
 - (f) to provide false, incomplete or inaccurate information to the licence inspector;
 - (g) to obstruct a person who is authorized pursuant to this Bylaw to carry out an inspection or a person who is assisting in the inspection.
- 39 Any person who commits an offence as described in this Bylaw is liable on summary conviction:
- (a) in the case of an individual operator, to a fine no less than \$2,000 and not exceeding \$10,000 or in default of payment, to imprisonment for a term not exceeding 90 days;
 - (b) in the case of an operator that is a corporation, to a fine no less than \$2,000 and not exceeding \$25,000;
 - (c) in the case of an individual body rub worker who is not an operator, to a fine not exceeding \$10,000.
- 40 Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.

Part V - Transitional

Bylaw 2005-4 Amended

- 41(1) Bylaw No. 2005-4, being *The Regina Appeal Board Bylaw* is amended in the manner set forth in this section.
- (2) Subsection 1(c) is amended by adding the following clause after clause (c.2):
- “(c.3) the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw No. 2020-61*;”
- (3) Subsection 4(2) is amended by adding the following clause after clause (a.2):
- “(a.3) review the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw No. 2020-61* after providing the applicant or licensee the opportunity to be heard;”

(4) Section 8 is amended by adding the following subsection after subsection (5):

“(6) Where the Board reviews the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw No. 2020-61*, the Board may:

- (a) confirm the decision of the Licence Inspector;
- (b) set aside the decision of the Licence Inspector;
- (c) order the Licence Inspector to make further inquiry into the facts of the case; or
- (d) vary the suspension or placement of conditions by the Licence Inspector.”

Effective Date

42 This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME THIS 30th DAY OF September 2020.

READ A SECOND TIME THIS 30th DAY OF September 2020.

READ A THIRD TIME AND PASSED THIS 30th DAY OF September 2020.

Mayor

City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule A Fees

Type of Fee	Amount
Body Rub Establishment Annual Licence	\$1,200
Body Rub Establishment Annual Licence, with only one operator who is also the only body rub worker	\$1,300
Body Rub Worker Annual Licence	\$100

ABSTRACT

BYLAW NO. 2020-61

THE BODY RUB ESTABLISHMENT LICENSING BYLAW

PURPOSE:	To create a licensing scheme and regulate body rub establishments and workers.
ABSTRACT:	This Bylaw requires a licence to operate a body rub establishment and to work in a body rub establishment. Regulatory requirements are set out for body rub establishments.
STATUTORY AUTHORITY:	Section 8 of <i>The Cities Act</i>
MINISTER'S APPROVAL:	n/a
PUBLIC HEARING:	n/a
PUBLIC NOTICE:	n/a
REFERENCE:	Executive Committee, August 5, 2020, EX20-6 & City Council, September 2, 2020, CR20-78
AMENDS/REPEALS:	Amends <i>The Regina Appeal Board Bylaw No. 2005-4</i>
CLASSIFICATION:	Regulatory
INITIATING DIVISION:	Office of the City Solicitor
INITIATING DEPARTMENT:	Licensing and Parking Services