

TO: CITY MANAGER March 19, 2001
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 17.317.1
SUBJECT: **REGULATING THE AGE OF EMPLOYEES OF AND OTHERS
FREQUENTING CERTAIN TYPES OF COMMERCIAL
ESTABLISHMENTS**

PURPOSE: To recommend that Council approve the development of a bylaw under the provisions of the Local Government Act to enable Burnaby to impose age restrictions on employees of and others who frequent certain types of commercial establishments.

RECOMMENDATIONS:

1. **THAT** Council approve the development of a bylaw under the provisions of the Provincial Local Government Act to prohibit the employment or presence on the business premises of anyone under the age of 19 years for certain types of commercial establishments; such establishments to include, but not be limited to, unregistered massage parlours, body rub parlours, escort agencies, health enhancement centres, karaoke box rooms, adult pornography film studios, and phone sex lines.
2. **THAT** a copy of this report be forwarded for information to:
 - a. the Community Policing Committee
 - b. the Community Issues & Social Planning Committee
 - c. the Family Court and Youth Justice Committee
 - d. Mayor and Council, City of New Westminster
 - e. Honourable Jim Doyle, Provincial Minister of Municipal Affairs.

REPORT

1.0 BACKGROUND

In response to June 1998 recommendations from the City's Task Force on the Sexual Exploitation and Prostitution of Children and Youth, which concluded that there were health and safety risks to minors employed or involved in certain classes of business,

Burnaby Council requested special powers from the Province to enable the City to develop a bylaw to impose age restrictions on employees of and others who frequent those types of commercial establishments. In a June 1999 letter from the Minister of Municipal Affairs, the Province declined to grant the special powers, citing sections in the newly passed Local Government Act (formerly the Municipal Act) which it deems are sufficient for Burnaby's purposes.

2.0 THE PROPOSED BYLAW

It is proposed that the City develop a bylaw to prohibit the employment or presence on the business premises of anyone under the age of 19 years in order to ensure the health and safety of such patrons. The prohibitions would apply to certain types of commercial establishments.

The City of Richmond recently passed a similar bylaw, which applies to body-painting/body rub studios, escort services, and unregistered massage therapists. The Richmond bylaw includes provisions concerning:

- minimum ages of employees
- lighting levels and other visibility features within the premises
- record-keeping pertaining to persons provided with services
- a dress code for employees
- reporting requirements for changes in personnel
- hours of operation.

Similarly, the City of Surrey also recently passed a bylaw, which applies to body rub parlours, body painting studios and model studios. The Surrey bylaw includes provisions concerning:

- minimum ages of employees
- room size and other physical attributes of the premises
- reporting requirements for physical changes to the premises
- a dress code for employees
- reporting requirements for changes in personnel
- hours of operation
- signage and other types of advertisement.

As noted above, age provisions for employees of and others frequenting the targeted types of commercial establishments are the main impetus for the bylaw in Burnaby, and it is proposed that in the short-term, a bylaw imposing age restrictions be developed. In the

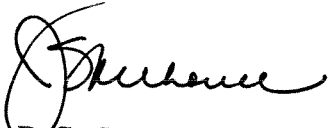
longer-term, staff will investigate, with the RCMP, Licence Office staff and the City Solicitor, whether other regulatory provisions, such as those in the Richmond and Surrey bylaws, as well as increased fee schedules and geographic criteria, would also be appropriate and applicable in Burnaby. Should other regulations be deemed advisable, staff would submit a future report to Council outlining possible amendments to the age restriction bylaw.

3.0 SUMMARY AND CONCLUSION

As noted above, it is the view of the Province that the new Local Government Act provides the powers previously requested by Burnaby to develop a bylaw imposing age restrictions on employees of and others who frequent certain types of commercial establishments.

It is recommended that Council approve the development of a bylaw under the current provisions of the Local Government Act to prohibit the employment or presence on the business premises of anyone under the age of 19 years for certain types of commercial establishments; such establishments to include, but not be limited to, unregistered massage parlours, body rub parlours, escort agencies, health enhancement centres, karaoke box rooms, adult pornography film studios, and phone sex lines.

After discussions with the RCMP, Licence Office staff, and the City Solicitor, staff will report back to Council with recommendations for amendments to the bylaw if additional regulatory provisions on the targeted types of commercial establishments are deemed advisable.


D.G. Stenson, Director
PLANNING AND BUILDING

JS/sa

- cc: Deputy City Manager, Corporate Services
- Director Parks, Recreation & Cultural Services
- OIC- Burnaby RCMP
- City Solicitor
- Chief License Inspector

