

**TO:** CITY MANAGER

2002 September 24

**FROM:** DIRECTOR FINANCE

**SUBJECT: ADULT SERVICE BUSINESS REGULATION BYLAW**

**PURPOSE:** To obtain Council authority to amend the Adult Service Business Regulation Bylaw to exempt alternative touch technique therapies from regulation.

**RECOMMENDATION:**

1. **THAT** the Burnaby Adult Service Business Regulation Bylaw be amended to exempt alternative therapeutic touch therapies as detailed in this report.

**REPORT**

An amendment to the Adult Services Business Regulation Bylaw is recommended to exempt alternative touch technique therapies from the bylaw regulations relating to body rub salons where the alternative touch technique service is provided between the hours of 9:00am and 9:00pm. This report seeks Council authority to amend the Bylaw

In July 2001, Council enacted the Adult Service Business Regulation Bylaw which regulates the operation of adult businesses, including body rub salons, to prohibit the involvement of minors in these businesses. In October 2001, additional regulation and increased licence fees were enacted by Council to further regulate adult service businesses. The business regulations included identification requirements for patrons and employees, structural requirements to provide lighting, windows and non-locking doors, hours of operation to midnight on weekdays and 1:00am on weekends and a \$3,000 annual business licence fee.

Since the enactment of the bylaw, the definition of body rub has been found to be broad and the bylaw regulations unnecessarily impact alternative touch therapy services that should not be considered adult services. Examples of these alternative touch therapies are shiatsu, reiki, reflexology and aromatherapy. Practitioners of these therapies have contacted the City and expressed concern over the bylaw regulations as they relate to their alternative therapeutic services. From meetings and discussions with these practitioners, staff have concluded that the provisions of the Adult Service Business Regulation Bylaw are not necessary for these types of businesses and recommend amending the bylaw to provide an exemption.

In amending the bylaw to broaden the exemptions to the Adult Services regulations, consideration was given to retaining the integrity and objectives of the bylaw while meeting the needs of the business community. In doing so, hours of operation are identified as a common differentiating factor between Adult Service businesses and alternative therapeutic touch business. Whereas adult services rely on late evening and early morning hours for business, alternative therapeutic touch businesses operate throughout the day and early evening in the same way as a medical service. To exempt alternative therapeutic touch services from the provisions of the Adult Service Business Regulation Bylaw, an amendment is recommended to permit their operation from 9:00am to 9:00pm each day. Alternative therapeutic touch businesses would be required to maintain a list of employee names and birth dates at the place of business for police review as required.

The City of Richmond has addressed this issue with a similar hours of operation exemption for therapeutic touch services. Richmond staff report the exemption has been effective in maintaining the objectives of the adult service regulations and streamlining business regulation where necessary.

The recommended amendments to the Adult Service Business Regulation Bylaw have been reviewed by the RCMP, the Planning Department and the City Solicitor and all concur with the recommendation.



for Rick Earle  
DIRECTOR FINANCE

cc: O.I.C., R.C.M.P.  
Director Planning and Building  
City Solicitor