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**TO:** CITY MANAGER **DATE:** 2005 November 21

**FROM:** DIRECTOR FINANCE

**SUBJECT:** ADULT SERVICE BUSINESS REGULATION BYLAW

**PURPOSE:** To recommend an amendment to the Adult Service Business Regulation Bylaw to regulate the operation of adult service businesses as detailed in this report.

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**RECOMMENDATIONS:**

1. **THAT** the Burnaby Adult Service Business Regulation Bylaw 2001 be amended to regulate specific businesses as follows:

- a. the written record of adult service business employees will be maintained on the form specified in the bylaw
- b. entrances to adult service businesses are to be unlocked during hours of operation
- c. lighting service to individual rooms is to be activated within the room only

2. **THAT** staff place an advertisement noting Council's consideration of this proposed bylaw amendment and announcing an opportunity for those affected by the proposed amendment to make representations to Council at the 2006 January 09 Open Council meeting.

**REPORT**

On 2005 August 29, Council requested that staff prepare a report on the regulations of the Adult Service Business Regulation Bylaw, including the standardization of identification and log book requirements. This report provides this information for Council and recommends bylaw amendments.

The Burnaby Adult Service Business Regulation Bylaw was created in 2001 to address concerns relating to the presence of persons under the age of nineteen (19) years in adult service businesses. Adult service businesses include adult telephone services, body rub salons, escort services and pornographic film studios. The Bylaw contains a number of operational requirements establishing age restrictions for these businesses and provisions to monitor bylaw compliance.

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From: Director Finance  
Re: Adult Service Business Regulation Bylaw  
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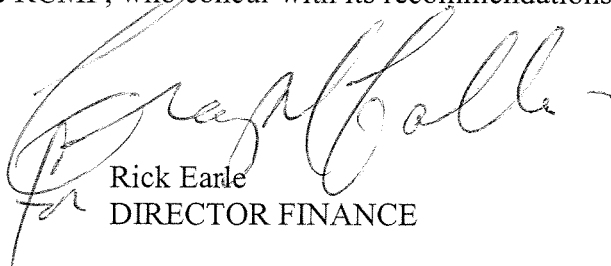
The Bylaw requires every person on an adult service business premises to have picture identification. It further specifies that personal identification be a valid British Columbia drivers licence or at least one other piece of picture identification which shows the name, address and birth date of that person. Obtaining identity and age information of the persons on the premises is the objective of this requirement and no further specifications on the type of identification are deemed necessary. Verification of authenticity of the identification takes place at the time of RCMP checks of employees and patrons. In situations where passports or social insurance numbers are involved, the appropriate authorities can be contacted.

The Bylaw requires adult service business operators to keep a written record of employees that includes the name, address and age of the employee. To standardize this requirement, a form is proposed for operators to record this information (Attachment #1). The form includes space for name, address and age, as well as, the type of identification and number. These forms would be distributed to adult service business operators initially and then upon request as required.

Bylaw enforcement concerns have also been identified relating to delayed access to adult service businesses due to locked entrances and the existence of lighting service to flash warnings of police presence on the premises. Both of these situations potentially subvert the intent of the bylaw and put youth at risk. Amendments to the bylaw are recommended to require the entrances to adult service businesses be unlocked when open for business and that lighting service to individual rooms be activated within the room only.

In accordance with Section 59 of the Community Charter, when Council is considering a business regulation bylaw, persons who consider they are affected by a proposed business regulation bylaw are to be given an opportunity to make representation to Council. Should Council decide to advance the proposed bylaw amendment to this stage, *Recommendation 1* can be tabled and *Recommendation 2* adopted to provide for this opportunity at the 2006 January 09 Open Council meeting. Once this opportunity has been provided, Council may conclude its consideration of the staff recommendation. If so directed, staff will place the necessary advertisement in the local newspapers regarding the proposed bylaw amendments.

This report has been reviewed by the RCMP, who concur with its recommendations.



Rick Earle  
for DIRECTOR FINANCE

CMC:ae  
Attachment

Copied to: O.I.C., R.C.M.P.  
City Solicitor



