

CITY OF SURREY

BY-LAW NO. 13573

A by-law to amend the provisions of "Business License By-law, 1976, No. 4747," as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Business License By-law, 1976, No. 4747," as amended, is hereby further amended as follows:

(a) Section 2. is amended by inserting the definition of "Adult Publication" immediately following the definition of "Adult Entertainment Store" as follows:

""Adult Publication"" means any book, pamphlet, magazine or printed matter however produced which contains a visual image or representation of a person or portion of the human body depicting nudity, sexual conduct, or sadomasochistic behaviour."

(b) Section 2. is amended by inserting the definition of "Nudity" immediately following the definition of "Non-resident Business" as follows:

""Nudity"" means the showing of the post pubertal human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of a post pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state."

(c) Section 2. is amended by inserting the definition of "Sadomasochistic Behaviour" immediately following the definition of "Resident Business" as follows:

""Sadomasochistic Behaviour"" means scenes involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving flagellation, torture, fettering, binding or other physical restraint of any such persons."

(d) Section 2. is amended by inserting the definition of "Sexual Conduct" immediately following the definition of "Secondary Suite" as follows:

""Sexual Conduct"" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such a person be a female, her breast."

(e) Section 20. is amended by inserting new Subsections (bb) and (cc) immediately following Subsection (aa) as follows:

"(bb) Except where the business is an adult entertainment store licensed under this By-law, no person

carrying on any trade, business or occupation shall display or permit to be displayed an adult publication except as herein provided:

(i) no adult publication shall be located on any shelf the bottom edge of which is less than 47 inches from the floor; and

(ii) all adult publications shall be placed behind a sheet of opaque plastic or other opaque substance which extends for the full length of the shelf on which such publications are placed and which extends vertically for at least 8 inches from the bottom of the shelf."

"(cc) (i) No person carrying on the business of an adult entertainment store shall permit any person to be on the store premises at any time unless such person is 18 years of age or over.

(ii) No person carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited in any window on or about the store premises any graphic sexual material or sex paraphernalia."

2. This By-law shall be cited for all purposes as "Business License By-law, 1976, No. 4747, Amendment By-law, 1998, No. 13573."

PASSED THREE READINGS on the 2nd day of November, 1998.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 9th day of November, 1998.

_____MAYOR

_____CLERK