

PROTECTION

Chapter 502 ADULT MAGAZINES - VIDEOTAPES

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Article 1
INTERPRETATION

502.1.1 Adult magazine - defined

“adult magazine” means any magazine designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by:

- (a) the portrayal of one or more persons involved or engaging in specified sexual activities; or
- (b) by an emphasis on the display of human specified body areas.

502.1.2 Adult videotape - defined

“adult videotape” means any videotape designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by:

- (a) the portrayal of one or more persons involved in or engaging in specific sexual activities; or
- (b) by an emphasis on the display of human specified body areas.

502.1.3 Adult videotape area - defined

“adult videotape area” means an identifiable part of any premises, which part is devoted principally to the provision of adult videotapes, or of such videotapes and any other goods designed to appeal to erotic or sexual appetites or inclinations, and includes the area within three metres of any such videotape.

502.1.4 Operator - defined

“operator” means every person:

- (a) who provides, in any premises or part thereof, in pursuance of a trade, calling, business or occupation, either or both adult magazines, or adult videotapes; or
- (b) who operates any premises or part thereof in which either or both such magazines or such videotapes are provided.

502.1.5 Specified body areas - defined

“specified body areas” means any or more of the following:

- (a) in the case of a female person, her nipples or areolae; and
- (b) in the case of all persons, the genitals, perineum or the anus.

502.1.6 Specified sexual activities - defined

“specified sexual activities” means one or more of actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, oral sexual intercourse, direct physical stimulation of unclothed genital organs, and flagellation or torture in the context of a sexual relationship or activity.

**Article 2
ADULT MAGAZINES**

502.2.1 Regulations - compliance with - required

Every operator who provides adult magazines in any premises or part thereof, or who operates such premises or part thereof, shall comply with the following regulations in respect of such premises or part thereof as set out in Sections 502.2.2 and 502.2.3.

502.2.2 Display - height - exceptions

No adult magazines shall be displayed at a height of less than 1.5 metres above floor level, unless such magazine is in a part of the premises to which the public is not permitted physical access.

502.2.3 Display - title visible - only

All adult magazines offered for sale or displayed in such premises, or part thereof, shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of every such magazine while being so displayed, except for the name thereof, may not be seen by any member of the public.

Article 3

ADULT VIDEOTAPES - OPERATOR - RESPONSIBILITY

502.3.1 Regulations - compliance with - required

Every operator who provides adult videotapes in any premises or part thereof, or who operates such premises or part thereof, may provide an adult videotape area in such premises or part thereof, according to the regulations as set out in Sections 502.3.2 and 502.3.3.

502.3.2 Entrance - under 18 - prohibited

No operator shall permit any person under the age of eighteen years to enter or remain in any adult videotape area operated by him/her or in which he/she provides any adult videotapes.

502.3.3 Signs - posted - visible

Every operator shall post and keep posted at every approach to such adult videotape area, signs sufficient to indicate clearly to every person approaching or entering such area and to every person in such area, that no person under the age of eighteen years is permitted to enter or remain in such area.

502.3.4 Premises - regulations - compliance with

Every operator who provides adult videotapes in any premises or part thereof, other than an adult videotape area, or who operates premises or part thereof, in which such videotapes are provided, shall comply with the regulations in respect of such premises or part thereof as set out in Sections 502.3.5 and 502.3.6.

502.3.5 Display - height - exception

No adult videotape or cover or container thereof shall be displayed at a height of less than 1.5 metres above floor level, unless such videotape is in a part of the premises to which the public is not permitted physical access.

502.3.6 Display - title visible - only

All adult videotapes offered or displayed for provision in such premises or part thereof shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover or container of every such videotape while being offered or displayed, except for the name thereof, may not be seen by any member of the public.

502.3.7 Videotape area - exceptions

Any operator who, in respect of premises or part thereof operated by him/her, in which he/she provides or in which is provided adult videotapes, provides an adult videotape area in accordance with the requirements of Sections 502.3.1 through 502.3.3 inclusive in respect of all such videotapes provided therein, and for a distance of three metres therefrom, shall not be required to comply with Sections 502.3.4 through 502.3.6 inclusive. By-law 24-88, 18 January, 1988.

**Article 4
ENFORCEMENT****502.4.1 Fine - for contravention**

Every person who contravenes this Chapter, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and shall, upon conviction thereof, be liable to a fine not exceeding \$25,000, exclusive of costs, or to imprisonment for a term not exceeding one year, or to both, and every such fine shall be recoverable under the *Provincial Offences Act*.

502.4.2 Fine - for contravention - corporation

Where a corporation is convicted of an offence under Section 502.4.1, the maximum penalty that may be imposed on the corporation is \$50,000, exclusive of costs, and not as provided in Section 502.4.1. By-law 55-92, 23 March, 1992.

**Article 5
ENACTMENT****502.5.1 Effective date**

This Chapter shall be deemed to be in force from the 18th day of January, 1988. By-law 24-88, 18 January, 1988.