

1977 Bill 201

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 201

**AN ACT RESPECTING BODY-RUB PARLOURS AND
NUDE PARLOURS**

MR. TAYLOR

First Reading

Second Reading

Third Reading

Bill 201
Mr. Taylor

BILL 201

1977

AN ACT RESPECTING BODY-RUB PARLOURS AND NUDE PARLOURS

(Assented to _____ *, 1977*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "body-rub" means kneading, manipulating, rubbing, massaging, touching or physically stimulating, by and direct or indirect means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person duly qualified as a masseur or physiotherapist and licenced or registered under the laws of the Province;
- (b) "body-rub parlour" means a service or business where a body-rub is performed, offered or solicited;
- (c) "duly qualified" means
 - (i) registered with the Chartered Physiotherapists Association, or
 - (ii) having attended and completed a course of study in massage approved by the Minister of Education of not less than 780 hours during a period of not less than one year in a school, and holding a certificate issued by the school showing the completion of and satisfactory performance in the course, or
 - (iii) having worked as a masseur within the Province of Alberta for a period of three consecutive years prior to coming into force of this Act;
- (d) "municipality" means a city, town, village, summer village, hamlet, municipal district or county;
- (e) "nude" means dressed in such a way that the reproductive organs are not fully concealed with a conventional article of non-transparent clothing;
- (f) "nude parlour" means an establishment where a service or business is performed nude or in the presence of any nude person and where a fee is received for the service or business but does not include any

Explanatory Notes

General. The purpose of this Bill is to increase the power of municipalities to regulate and control massage and nude parlours more effectively to prevent them becoming a nuisance to the public.

I. Definitions.

place where medical or therapeutic treatment is given by a person duly qualified, licensed or registered so to do under the laws of the Province where the only nude person present is the person receiving the treatment;

- (g) "owner" includes any lessee, franchisee, licensee, shareholder in a corporation or partner in a partnership.

2. The council of a municipality may pass by-laws for licensing, regulating, governing and inspecting body-rub parlours or nude parlours, for revoking or suspending any licence granted and for limiting the number of such licences to be granted in the whole or in any part of the municipality or for stipulating that no licences may be granted in the municipality or in a part or in parts of the municipality.

3. The council of a municipality may refuse to grant or may cancel a licence to operate a body-rub parlour or nude parlour where any person who is an owner or operator or proposed owner or operator has been convicted of any offence under the *Criminal Code (Canada)* which in the opinion of the council is relevant to the suitability of that person to be an owner or operator.

4. No form of entertainment, business or service shall be carried on, given or offered to the public in a body-rub parlour or a nude parlour other than such entertainment or service as is specified on the licence held by the parlour.

5. (1) In establishing licence fees for body-rub parlours and nude parlours, the municipality may set such licence fees as it considers appropriate for regulating body-rub parlours and nude parlours and for the purpose of raising revenue.

(2) Subsections (3) and (4) of section 214 of *The Municipal Government Act* shall not apply to the establishment of such licence fees.

(3) The annual licence fee for a body-rub parlour or nude parlour shall not exceed \$4,000.

6. A by-law passed under this Act may provide for the regulation, prohibition or limitation of the distribution, location, placement, construction, size, nature and character of signs, advertising, and advertising devices used for the purpose of promoting body-rub parlours or nude parlours.

7. Where, in a municipality, a medical officer of health or a public health inspector or a city inspector acting un-

2. Municipalities empowered to license and regulate.

3. Criminal record taken into account.

4. Licence to specify premises.

5. Establishes maximum licence fee.

Section 214, subsections (3) and (4), of The Municipal Government Act, reads as follows:

(3) A licence fee may be in the nature of a reasonable tax for the privilege conferred by the licence or for the purpose of raising revenue and may be computed in any manner accepted by the council.

(4) In fixing a licence fee the council shall, where applicable, have regard for the business tax payable by similar businesses in the municipality.

6. Regulation of advertising material.

7. Inspection by municipal health or peace officers.

der his direction or a peace officer, has reasonable grounds to believe that a breach of any provision of this Act has occurred on premises within the municipality, he may enter such premises at any time to enforce any provision of this Act.

8. Any person admitting or helping a person who is actually under the age of 18 years, or is apparently under the age of 18 years unless that person is actually of the age of 18 years or more, to gain admission to a body-rub parlour or nude parlour is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$500 or imprisonment for not more than six months or to both fine and imprisonment.

9. Any person under the age of 18 years who enters a body-rub parlour or nude parlour, or who makes a false statement or uses any false or forged document to attempt to prove he is of the age of 18 years or more or uses any other means in an attempt to gain entry to a body-rub parlour or nude parlour, is guilty of an offence and liable on summary conviction to a fine of not less than \$50 and not more than \$200.

10. (1) Any person being the owner or operator of a body-rub parlour or nude parlour without a valid licence or failing to keep at all times on the premises where the parlour is licensed to operate a valid licence is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or imprisonment for not more than one year or to both fine and imprisonment.

(2) Any person being the owner or operator of a body-rub parlour or nude parlour where the services of that parlour are administered at any time outside the premises licensed for such services is guilty of an offence and liable on summary conviction as if convicted of operating without a valid licence in contravention of subsection (1).

(3) Any licence issued to a person for the operation of a body-rub parlour or nude parlour shall become void upon conviction for an offence under subsection (1) or (2).

11. Subject to the modifications and exceptions set out in this Act, *The Municipal Government Act* applies, mutatis mutandis, to the licensing and regulation by a municipality of body-rub parlours and nude parlours.

12. This Act comes into force on the day upon which it is assented to.

8.-10. Offences and penalties.

11. Municipal Government Act applies.

12. Coming into force.