

BYLAW NO. 3319/2003

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, empowers a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property, as well as businesses, business activities, and persons engaged in business;

AND WHEREAS the *Municipal Government Act*, R.S.A., 2002, Chapter M-26 and amendments thereto empowers a Council by bylaw to regulate and provide for a system of licenses, permits, or approvals;

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

1. This Bylaw may be called the "Escort Service Bylaw".

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION PURPOSE:

2. The purpose of this Bylaw is to establish a system of licensing Escort Service and Agency businesses in order to:
 - a) Prohibit the conduct of these businesses until a license has been granted;
 - b) help protect the safety, health and welfare of people engaged in, or receiving the services provided by these businesses; and
 - c) establish license fees that reflect the costs associated with policing, administering and regulating these businesses.

DEFINITIONS:

3. In this Bylaw, unless the context otherwise requires:
- a) **“Escort”** means a person who for a fee provides a period of companionship for a limited period of time; provides private modeling, strip tease or exotic dancing; or provides any of the services offered by an Escort agency;
 - b) **“Escort Service or Agency”** means any business which offers to provide the services of Escorts;
 - c) **“Independent Escort Service or Escort Agency”** means any business which is owned, operated and serviced by one Escort;
 - d) **“Licensee”** means any person who holds any license pursuant to this Bylaw.

PART II – ESCORT SERVICE OR ESCORT AGENCY LICENSING

4. Before any person may provide the services of an Escort Service or Agency, a written application must be made to the License Inspector for an Escort Agency License and a license issued.
5. An Escort Agency License may not be issued to:
- a) an individual under the age of 18 years;
 - b) a partnership with any partner under the age of 18 years; or

- c) a corporation with any shareholder, director, or officer under the age of 18 years.

6. Every application for the issue or renewal of an Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:

- a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;
- b) If the applicant is a partnership:
 - i) the family name and all given names for each partner;
 - ii) the date and place of birth for each partner; and
 - iii) a photograph of each partner to be taken in the format required by the License Inspector;
- c) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;

- iii) the family name, all given names and the date and place of birth for each individual shareholder;
 - iv) the legal name and corporate access number for each corporate shareholder;
 - v) the family name, all given names and the date and place of birth for each director; and
 - vi) the family name, all given names and the date and place of birth for each officer;
- d) For all applicants:
- i) the complete legal name of each person employed by the Escort Agency whether by direct employment, independent contract, or otherwise;
 - ii) the business address and mailing address of the Escort Agency;
 - iii) all business telephone numbers used by the Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - iv) all names used by the Escort Agency;
 - v) all electronic mail addresses used by the Escort Agency; and
 - vi) all internet computer addresses used by the Escort Agency.

7. Every application for the issue or renewal of an Escort Agency License must be personally signed by:
- a) the individual named in the application;
 - b) each partner named in the application; or
 - c) each director of a corporation named in the application;
- as the case may be.
- ¹8. Every Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

PART III - INDEPENDENT ESCORT AGENCY LICENSING

9. An Independent Escort Agency License may not be issued to:
- a) an individual under the age of 18 years;
 - b) a partnership; or
 - c) a corporation with any shareholder, director or officer under the age of 18 years.
10. An Independent Escort Agency License may only be issued to an individual if that individual is the owner and operator of the Escort Agency and the only Escort working for that Escort Agency.

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11. An Independent Escort Agency License may only be issued to a corporation if the only Escort working for that Agency is the sole shareholder, director, and officer of that corporation.

12. Every application for the issue or renewal of an Independent Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:
 - (a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;

 - b) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;
 - iii) the family name, all given names and the date and place of birth for the sole shareholder, director and officer;

 - c) For all applicants:
 - i) the business address and mailing address of the Independent Escort Agency;

- ii) all business telephone numbers used by the Independent Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
- iii) all names used by the Independent Escort Agency;
- iv) all electronic mail addresses used by the Independent Escort Agency;
- v) all internet computer addresses used by the Independent Escort Agency.

13. Every application for the issue or renewal of an Independent Escort Agency License must be personally signed by:

- a) the individual named in the application ; or
- b) the sole shareholder, director and officer of the corporation named in the application;

as the case may be.

²14. Every Independent Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

² 3319/A-2015

PART IV – ESCORT LICENSING

15. Before any person may provide the services of an Escort, a written application must be made to the City License Inspector for an Escort License and a license issued.

16. An Escort License may not be issued to:
 - a) an individual under the age of 18 years; or
 - b) a partnership or a corporation.

17. Every application for the issue or renewal of an Escort License must be in a form prescribed by the License Inspector and must contain the following information:
 - a) family name and all given names;
 - b) date and place of birth;
 - c) residence address and mailing address;
 - d) residence telephone number;
 - e) Licensed Escort Agency through which the Escort will be employed;
 - f) other names used by the Escort, to a maximum of three;
 - g) a photograph to be taken in the format required by the License Inspector.

18. Every application for the issue or renewal of an Escort License must be personally signed by the individual named in the application.
- ³19. Every Escort License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

PART V – POLICE REFERRAL

20. The License Inspector may refer every application for the issue or renewal of a License to the Chief of Police.
21. The Chief of Police may, upon receipt of an application for the issue of a License, make or cause to be made any investigations reasonably required to determine whether the issue or renewal of the License would endanger the safety, health or welfare of people or the protection of people or property.
22. Such investigations must include, but are not limited to, a criminal record check of all individuals named anywhere in the application.
23. If the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of people or property then the Chief of Police must notify the License Inspector forthwith, in writing.
24. If the License Inspector is notified, in writing, that the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of

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people or property, then the License Inspector shall not issue or renew the License.

25. If an application for the issue or renewal of a License has been referred to the Chief of Police and if no written response has been received from the Chief of Police within 5 days from the date of the referral, then the License Inspector may proceed on the basis that the Chief of Police does not believe, on reasonable grounds, that the issue or renewal of the License would endanger the safety, health or welfare of people or the protection of people or property.

PART VI – OFFENCES

26. No person shall engage in the business of or operate as an Escort without holding a valid and subsisting Escort License.
27. No person under the age of 18 years shall engage in the business of or operate as an Escort.
28. No person shall engage in the business of or operate as an Escort except through an introduction arranged by an Agency.
29. No Escort shall advertise or promote their services in any fashion using a name other than the name on the License issued to the Escort unless the Escort has first provided the name in writing to the License Inspector.
30. No person shall engage in the business of or operate as an Escort Agency without holding a valid and subsisting Escort Agency License or Independent Escort Agency License.

31. No person holding a valid and subsisting Independent Escort Agency License shall employ any additional Escorts.
32. No person or Escort Agency shall employ an Escort unless the Escort has a valid and subsisting Escort License.
33. No person or Escort Agency shall employ an Escort under the age of 18 years.
34. No Escort Agency shall advertise or promote their services in any fashion using:
 - a) a telephone number;
 - b) a name;
 - c) an electronic mail address; or
 - d) an internet addressunless the Escort Agency has first provided the number, name or address in writing to the License Inspector.
35. No person shall supply incorrect, incomplete or misleading information in an application for the issue or renewal of a License.
36. A Licensee shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent application for the issue or renewal of a License.
37. A Licensee shall provide their License forthwith when requested to do so by a Peace Officer.

PART VII – SUSPENSIONS AND REVOCATIONS

38. Suspension of a license issued pursuant to this bylaw may be:
- a) for the unexpired term of the license; or
 - b) where the suspension is for non-compliance with any bylaw, including this bylaw, until the holder of the suspended license has, in the opinion of the License Inspector, complied with that bylaw.
39. A license may be revoked or suspended for non-compliance with any bylaw of the City including this bylaw notwithstanding that the holder of the license has not been prosecuted for a contravention of that bylaw.
40. A license may be revoked if the Chief of Police notifies the License Inspector that a licensee has been convicted of a criminal or other offence, the nature of which causes the Chief of Police to believe on reasonable grounds that the continued licensing of the licensee would endanger the safety, health, or welfare of the people or the protection of people or property.

PART VIII APPEAL

- 41.⁴ An applicant may appeal the License Inspector's decision to the Red Deer Appeal & Review Board in writing within 14 days after the license has been refused, revoked, or suspended, as outlined in the Committees Bylaw.

⁴ 3319/A-2009

PART IX – GENERAL

- ⁵42. (a) The fees payable for a License required under this bylaw are set out in Schedule “A” and are non-refundable.
- (b) The fees listed in Schedule “A” may be reduced pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.
43. A License issued pursuant to this bylaw is the property of the City and may not be transferred.
44. No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
45. A copy of a record of the City, certified by the License Inspector as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
46. In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

PART X - CONTRAVENTION OF THE BYLAW

47. Any person who contravenes any portion of this bylaw is guilty of an offence and is liable on summary conviction to the fines set out in

⁵ 3319/A-2015

Schedule "B" herein, and shall render the offender liable to cancellation or suspension of the license issued to such person.

48. A person who contravenes or does not comply with a provision of Part VI of this bylaw may, if the Violation Ticket issued in respect of the offence contains a specified penalty amount, pay this amount in which case the person will not be prosecuted in court for the contravention.
49. If a specified penalty amount is included in a Violation Ticket issued in respect of an offence under this bylaw, the amount must be that specified in Schedule B.
50. A person who is found guilty of an offence under this bylaw is liable to a fine in an amount not less than that specified in Schedule B, and not exceeding \$10,000.00.
51. If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
52. If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
53. This Bylaw comes into force and effect upon passage by Council at third reading.
54. Bylaw No. 2794/82 is hereby repealed.

⁶PART XI – TRANSITIONAL

55. The following provisions apply to any License issued under this bylaw in 2015:
- (a) For Licenses issued after May 1, 2015, the license fees set out in Schedule “A” shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
 - (b) For Licenses issued before May 1, 2015, provided the Licensee has paid the fee for a License which was to be valid for 12 months, the License will expire on December 31, 2015 and the Licensee shall receive a pro-rated credit for all remaining months or partial months which, at the Licensee’s discretion may be applied to the Licensee’s 2016 License Fees or refunded to the Licensee.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of October, 2003
 READ A SECOND TIME IN OPEN COUNCIL this 6th day of October, 2003
 READ A THIRD TIME IN OPEN COUNCIL this 6th day of October, 2003
 AND SIGNED BY THE MAYOR AND CITY CLERK this 6th day of October, 2003

“G.D. Surkan”

“Kelly Kloss”

MAYOR

CITY CLERK

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SCHEDULE "A"
FEES

	<u>Fee</u>
1. License to operate an escort service or escort agency	\$5,000.00
2. License to operate an independent escort service or escort agency	\$1,500.00
3. License to act as an Escort	\$300.00

SCHEDULE "B"
FINES

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Unlicensed Escort	26	\$2,500.00
Underage Escort	27	\$500.00
Escort Operating Without Escort Agency	28	\$2,500.00
Escort Advertising or Promoting Non-Listed Name	29	\$500.00
Unlicensed Escort Agency	30	\$7,500.00
Multiple Escorts on Independent Escort Agency License	31	\$5,000.00
Employing Services of Unlicensed Escort	32	\$2,500.00
Employing Underage Escort	33	\$5,000.00
Agency Advertising Non-Registered or Non-Listed information	34	\$500.00
Incorrect, Incomplete or Misleading Information	35	\$500.00
Fail to Provide Change of Information	36	\$500.00
Fail to Provide License	37	\$500.00