

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

**BY-LAW NO. 2009-**

Being a By-law to establish an Area of Interim Control  
Pursuant to Section 38 of the *Planning Act*.

**WHEREAS** Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

**AND WHEREAS** Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and /or regulation of adult entertainment establishments and the land use issues associated therewith in the municipality;

**AND WHEREAS** Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and/or regulation drive-through facilities and the land use issues associated therewith in the municipality;

**AND WHEREAS** Council has deemed it necessary and expedient to pass an interim control by-law with respect to adult entertainment establishments and drive-through facilities;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:**

1. For the purposes of this By-law, the following terms shall have the corresponding meanings;

*“Adult Book” means printed matter which depicts or describes specified sexual activities or specified anatomical areas.*

*“Adult Bookstore” means any premises or part thereof where Adult Books are provided, offered for sale or rent, or for the use of a portion or member in the pursuance of a business, trade, calling, occupation, club, association or venture;*

*“Adult Entertainment Business” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;*

*“Adult Entertainment Establishment” includes an Adult Entertainment Business, Body-rub Business, Adult Book Store or an Adult Videotape Store;*

*“Adult Videotape” means any Videotape the content of which is designed or held out as 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 the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas and, in the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as “restricted” with the added information piece “adult sex film” shall be deemed to be an Adult Videotape.*

*“Adult Videotape Store” means any premises or part thereof where Adult Videotapes are provided in the pursuance of a trade, calling, business, occupation, club, association*

*or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations ;*

*“Body-rub” is an activity where the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;*

*“Body-rub Business” means any premises or part thereof where a Body-rub is performed, offered or in pursuance of a trade, calling, business, occupation, club, association or venture, but does not include any premises or part thereof where Body-rubs are performed for medical or therapeutic reasons by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;*

*“Drive-through Facility” means any premises or part thereof used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility does not include an automobile service station, automobile washing establishment or car wash, vehicle washing establishment or vehicle fuel station.*

2. Except as noted, words or phrases found in this By-law shall have the same meaning as found in Zoning By-law No. 83-40, as amended, or Zoning By-law 10-77, as amended, as applicable.
3. The provisions of this by-law shall apply to:
  - a. Those lands located within the area regulated by the “Township of Collingwood” Zoning By-law No. 83-40, as amended, zoned:
    - i. General Commercial (C1) Zone;
    - ii. Highway Commercial (C2) Zone;
    - iii. Recreational Commercial (C4) Zone;
    - iv. Village Core General Commercial (C5) Zone;
    - v. Village Core Service Commercial (C6) Zone;
    - vi. Village Core Resort Commercial (C7) Zone;
    - vii. Local Commercial (C8) Zone;
    - viii. Service Industrial (M1) Zone;
    - ix. General Industrial (M2) Zone;
    - x. Institutional (I) Zone;
    - xi. Private Recreational (PREC) Zone;
    - xii. Recreational Ski Facility (SF) Zone; and,
    - xiii. Development (D) Zone.
  - b. Those lands located within the area regulated by the “Town of Thornbury” Zoning by-law No. 10-77, as amended, zoned:
    - i. Core Commercial C1 Zone;
    - ii. General Commercial C2 Zone;
    - iii. Local Commercial C3 Zone;
    - iv. Recreational Commercial C4 Zone;
    - v. Industrial M1 Zone; and,
    - vi. Institutional I Zone.
4. Notwithstanding any other by-laws to the contrary, including any site specific and/or exceptions found in Section 32 of Zoning By-law No. 83-40, as amended, or Section 26 of Zoning By-law No. 10-77, as amended, no person shall, within those areas noted in Section 3 of this By-law erect or use any land, buildings or structure for the purposes of an Adult Entertainment Establishment or Drive-through Facility.

5. This By-law shall come into full force and effect on the date of enactment and shall expire twelve months therefrom unless the term is extended pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ellen Anderson, Mayor

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Stephen Keast, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. 2009-\_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Stephen Keast, Clerk

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