



Repealed by
Bylaw # 15383

CITY OF EDMONTON

BYLAW 12452

ESCORT LICENSING BYLAW

(CONSOLIDATED ON DECEMBER 07, 2010)

CITY OF EDMONTON

BYLAW 12452

ESCORT LICENSING BYLAW

Whereas, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting, inter alia, the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) businesses, business activities and persons engaged in business; and

Whereas, pursuant to Section 8 of the *Municipal Government Act*, a council may, in a bylaw, inter alia:

- a) regulate or prohibit; and
- b) provide for a system of licenses, permits or approvals including:
 - (i) establishing fees for licences, permits and approvals including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
 - (ii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;
 - (iii) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;
 - (iv) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them; and
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1

The purpose of this bylaw is to establish a system of licensing

Escort 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, at a minimum, the costs associated with administering and regulating these businesses.

DEFINITIONS

2

In this bylaw, unless the context otherwise requires:

- (a) **“Agency”** means a person who charges or receives a Fee for arranging an introduction between an Escort and another person;
- (b) **“Agency License”** means a License issued to an Agency providing introduction services to one or more Escorts;
- (c) **“Chief of Police”** means the Chief of the Edmonton Police Service or his designate;
- (d) **“City”** means the City of Edmonton;
- (e) **“City Manager”** means the chief administrative officer of the City;
- (f) **“Escort”** means a person who charges or receives a Fee for acting as a date or providing personal companionship for a limited period of time;
- (g) **“Escort License”** means a License issued to an Escort;
- (h) **“Fee”** includes any monetary amount or any other consideration of value;
- (i) **“Fine Option Program”** means a program established by the Province of Alberta for the purpose of allowing an individual to discharge a fine in whole or in part by earning credits for performing work;
- (j) **“Independent Agency License”** means a License issued to an Agency providing introduction services to only one Escort;

- (k) **“Land Use Bylaw”** means a land use bylaw passed by the City pursuant to the *Alberta Municipal Government Act*;
- (l) **“License”** means a license issued pursuant to this bylaw;
- (m) **“Licensee”** means a person holding a valid and subsisting License;
- (n) **“Peace Officer”** means a person employed for the purposes of preserving and maintaining the public peace;
- (o) **“Registrar of Corporations”** means the person appointed pursuant to the *Alberta Business Corporations Act*;
- (p) **“Violation Ticket”** means any ticket issued by the City pursuant to a bylaw or a violation ticket as defined in the *Alberta Provincial Offenses Procedure Act*.

**RULES FOR
INTERPRETATION**

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - ESCORT LICENSING

- 4 Before any person may provide the services of an Escort, a written application must be made to the City Manager for an Escort License.
- 5 An Escort License may not be issued to:
- (a) an individual under the age of 18 years; or
 - (b) a partnership or a corporation.
- 6 Every application for the issue or renewal of an Escort License must be in a form prescribed by the City Manager and must contain at least the following information regarding the applicant:
- (a) family name and all given names;
 - (b) date of birth;
 - (c) residence address;
 - (d) residence telephone number;

- (e) Agency through which introduction services are received;
 - (f) other names used by the Escort, to a maximum of three;
 - (g) a current colour photograph of the applicant.
- 7 Every application for the issue or renewal of an Escort License must be personally signed by the individual named in the application.
- 8 Every Escort License expires 12 months from the date it is issued unless it is revoked earlier pursuant to this bylaw.

PART III - AGENCY LICENSING

- 9 Before any person may provide the services of an Agency, a written application must be made to the City Manager for an Agency License or an Independent Agency License.
- 10 An 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.
- 11 Every application for the issue or renewal of an Agency License must be in a form prescribed by the City Manager 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 of birth; and
 - (iii) a current colour photograph of the individual;
 - (b) If the applicant is a partnership:
 - (i) the family name and all given names for each partner;
 - (ii) the date of birth for each partner; and

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

12 Every application for the issue or renewal of an 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.

- 13 Every Agency License expires 12 months from the date it is issued unless it is revoked earlier pursuant to this bylaw.
- 14 An Independent 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.
- 15 An Independent Agency License may only be issued to an individual if that individual is the only Escort receiving introduction services from that Agency.
- 16 An Independent Agency License may only be issued to a corporation if the only Escort receiving introduction services from that Agency is the sole shareholder, director and officer of that corporation.
- 17 Every application for the issue or renewal of an Independent Agency License must be in a form prescribed by the City Manager 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 of birth; and
 - (iii) a current colour photograph of the individual;
 - (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 of birth for the sole shareholder, director and officer;
 - (c) For all applicants:
 - (i) the complete legal name of each person employed by the Agency whether by direct employment,

- independent contract, or otherwise;
 - (ii) the business address of the Agency;
 - (iii) all business telephone numbers used by the Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - (iv) all names used by the Agency;
 - (v) all electronic mail addresses used by the Agency; and
 - (vi) all internet computer addresses used by the Agency.
- 18 Every application for the issue or renewal of an Independent 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.
- 19 Every Independent Agency License expires 12 months from the date it is issued unless it is revoked earlier pursuant to this bylaw.

PART IV - REFERRALS

- 20 Every application for the issue or renewal of a License must forthwith be referred to the Chief of Police.
- 21 The Chief of Police may, upon receipt of an application for the issue or renewal 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 City Manager forthwith, in writing.
- 24 If the City Manager 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 people or property then the City Manager must 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 15 days from the date of the referral, then the City Manager 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.
- 26 Every application for the issue or renewal of an Agency License or an Independent Agency License must be referred to the Planning and Development Department of the City for confirmation of compliance by the applicant with all relevant provisions of any Land Use Bylaw.
- 27 The City Manager must not issue or renew any Agency License or any Independent Agency License without confirmation from the Planning and Development Department of the City of compliance by the applicant with all relevant provisions of any Land Use Bylaw.

PART V - REPORTS

- 28 Every Agency must provide a written report to the City Manager within 10 days from the end of each calendar month containing the following information regarding that month:
- (a) The family name and all given names of each Escort for which the Agency provided introduction services;
 - (b) The Escort License number for each such Escort;
 - (c) A complete list of every introduction arranged for each such Escort specifying the calendar date, time, and location.
 - (d) The complete name of each person employed by the Agency whether by direct employment, independent contract, or otherwise;
 - (e) Every name used by the Agency in advertising or providing the services of an Agency;

- (f) Every telephone number used by the Agency, including any cellular, digital, pager or fax numbers;
 - (g) Every electronic mail address and internet computer address used by the Agency.
- 29 The License of an Agency that fails to provide a report containing the information required by this Part within 10 days from the end of a calendar month is immediately suspended pending a hearing before the City Manager.
- 30 (1) If a Peace Officer believes, on reasonable grounds, an Agency has committed an offence pursuant to this bylaw, the Peace Officer may demand the delivery of a written report from the Agency to the City Manager containing the information required by this Part, current to the date of the demand.
- (2) A demand made pursuant to this section must be in writing and must be served on the Agency by personal service:
- (a) on an individual named on the License of the Agency; or
 - (b) on any director of a corporation named on the License of the Agency;
- and a copy must be delivered forthwith to the City Manager with a description of the suspected offence and the reasonable grounds for belief.
- (3) If a demand has been served on an Agency pursuant to this section, the report must be provided to the City Manager within three days of the date on which the demand was served on the Agency.
- (4) The License of an Agency that fails to provide a report containing the information required by this Part within three days of a demand made pursuant to this section being served on the Agency is immediately suspended pending a hearing before the City Manager.

PART VI - OFFENCES

- 31 A person who contravenes or does not comply with a provision of this Part is guilty of an offence.
- 32 If a corporation commits an offence, any director, officer or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a

party to and guilty of the offence and is liable on conviction to any fine or penalty provided for the offence, whether or not the corporation has been prosecuted.

- 33 No person shall engage in the business of or operate as an Escort without holding a valid and subsisting Escort License.
- 34 No person under the age of 18 years shall engage in the business of or operate as an Escort.
- 35 No person shall engage in the business of or operate as an Escort except through an introduction arranged by an Agency.
- 36 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 City Manager.
- 37 No Escort shall advertise or promote their services in any fashion without including the number of their License.
- 38 No person shall engage in the business of or operate as an Agency without holding a valid and subsisting Agency License or Independent Agency License.
- 39 No person holding a valid and subsisting Independent Agency License shall provide introduction services to more than one Escort pursuant to the Independent Agency License.
- 40 No person shall provide introduction services to an Escort unless the Escort has a valid and subsisting Escort License.
- 41 No person shall provide introduction services to an Escort under the age of 18 years.
- 42 No Agency shall advertise or promote their services in any fashion using a name other than the name on the License issued to the Agency unless the Agency has registered the name with the Registrar of Corporations.
- 43 No 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 address

unless the Agency has first provided the number, name or address in writing to the City Manager.

- 44 No Agency shall advertise or promote their services in any fashion without including the number of their License.
- 45 No person shall supply incorrect, incomplete or misleading information in an application for the issue or renewal of a License, or in a report provided pursuant to this bylaw.
- 46 A Licensee shall notify the City Manager 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.
- 47 A Licensee shall provide their License forthwith when requested to do so by a Peace Officer.

PART VII - PENALTIES

- 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 (1) In addition to any fine and penalty imposed, the court shall provide for imprisonment of not less than 12 days and not more than one year for non-payment of a fine or penalty.
 - (2) This section does not apply if a court is satisfied that the offender

is unable to pay the fine, or discharge it pursuant to a Fine Option Program.

- 53 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.

PART VIII - SUSPENSIONS AND REVOCATIONS

- 54 If a Licensee is convicted of an offence under this bylaw the City Manager must forthwith hold a hearing where the Licensee must show cause why any License held by that Licensee should not be suspended or revoked.
- 55 If a Licensee who has been convicted of an offence under this bylaw subsequently commits and is convicted of a further offence under this bylaw, any License held by that Licensee is immediately suspended for a minimum period of three months and the City Manager must forthwith hold a hearing where the Licensee must show cause why any License held by that Licensee should not be revoked.
- 56 (1) If a Licensee who has been convicted on two separate occasions of offences under this bylaw subsequently commits and is convicted of a further offence under this bylaw any License held by that Licensee is immediately revoked.
- (2) The revocation of a License pursuant to this section may not be appealed.
- 57 If the City Manager believes, on reasonable grounds, a Licensee is operating in contravention of a Land Use Bylaw, whether or not the Licensee has been charged or convicted of an offence, the City Manager must forthwith hold a hearing where the Licensee must show cause why any License held by that Licensee should not be suspended or revoked.
- 58 (1) Any License issued in the name of a corporation is immediately suspended if there is a change in the shareholder(s), director(s) or officer(s) of the corporation.
- (2) Any License suspended pursuant to this section remains suspended pending a hearing before the City Manager.
- (3) This section does not apply if the Licensee obtains the written consent of the City Manager prior to any change in the

shareholder(s), director(s) or officer(s) being made.

- 59 Upon the conclusion of a hearing held by the City Manager, the City Manager may:
- (a) except where a License has been suspended for a minimum period pursuant to this bylaw, cancel any suspension and re-instate a License;
 - (b) subject to any minimum period of suspension pursuant to this bylaw, suspend a License for a period of up to six months from the date of the hearing;
 - (c) revoke a License.
- 60 (1) An applicant for the issue or renewal of a License may appeal the refusal of the City Manager to issue or renew the License to the Community Standards and License Appeal Committee of the City;
- (S.3, Bylaw 15165, April 29, 2009)
- (2) A Licensee may appeal any suspension or revocation of a License imposed by the City Manager to the Community Standards and License Appeal Committee of the City;
- (S.3, Bylaw 15165, April 29, 2009)
- (3) Any appeal pursuant to this section must be made in a form prescribed by the City Manager and must be received by the Office of the City Clerk within 30 days of the date on which the decision to refuse, suspend or revoke the License was made by the City Manager.
- 61 (1) Upon the conclusion of an appeal heard by the Community Standards and License Appeal Committee, the committee may confirm, vary, or overturn the decision of the City Manager.
- (S.3, Bylaw 15165, April 29, 2009)
- (2) The decision of the Community Standards and License Appeal Committee is final and binding and may not be appealed.
- (S.6, 60-61, Bylaw 13219, November 26, 2002)
(S.3, Bylaw 15165, April 29, 2009)
- 62 (1) A Licensee having had a License revoked may not apply or be named in an application for a License for a period of two years

from the date of revocation.

- (2) A shareholder, director or officer of a corporation having had a License revoked may not apply or be named in an application for a License for a period of two years from the date of revocation.

PART IX - GENERAL

- 63 The fees payable for a License required by this bylaw are set out in Schedule A and are non-refundable.
- 64 A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 65 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.
- 66 The City Manager may carry out whatever inspections are reasonably required to determine compliance with this bylaw.
- 67 A copy of a record of the City, certified by the City Manager 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.
- 68 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.
- 69 The City Manager may delegate any of his powers, duties or functions under this bylaw to an employee of the municipality.

- 70 Except where inconsistent with this bylaw, the general licensing provisions of Bylaw 6124, City of Edmonton License Bylaw, apply to this bylaw.
- 71 Bylaw 10397 is repealed.
- 72 This bylaw shall come into force on April 1, 2001.

(NOTE: Consolidation made under Section 69 of the Municipal Government Act, R.S.A. 2000, c. L-21 and Bylaw 12005, and printed under the City Manager's authority.)

Bylaw 12452, passed by Council December 19, 2000:

Amendments:

Bylaw 13219, November 26, 2002
Bylaw 13875, December 7, 2004
Bylaw 14169, December 14, 2005
Bylaw 14427, December 6, 2006
Bylaw 14833, December 14, 2007
Bylaw 15040, December 10, 2008
Bylaw 15165, April 29, 2009
Bylaw 15327, December 01, 2009
Bylaw 15596, December 7, 2010

SCHEDULE A – LICENSE FEES

Effective January 1, 2011

<u>License</u>	<u>Annual Fee</u>
1. Escort License	\$ 130.
2. Agency License	\$5,225.
3. Independent Agency License	\$1,960.

(S.9(a), Bylaw 14833, December 14, 2007)

(S.9(a), Bylaw 15040, December 10, 2008)

(S.8(a), Bylaw 15327, December 01, 2009)

(S.6(a), Bylaw 15596, December 7, 2010)

SCHEDULE B – OFFENCES AND FINES

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Unlicensed Escort	33	\$2,500.00
Underage Escort	34	500.00
Escort Operating Without an Agency	35	2,500.00
Escort Advertising – Non-listed Name	36	500.00
Escort Advertising – No License Number	37	500.00
Unlicensed Agency	38	7,500.00
Multiple Escorts on Independent Agency License	39	5,000.00
Introduction Services to Unlicensed Escort	40	2,500.00
Introduction Services to Underage Escort	41	5,000.00
Agency Advertising – Non-registered Name	42	500.00
Agency Advertising – Non-listed Information	43	500.00
Agency Advertising – No License Number	44	500.00
Incorrect, Incomplete, or Misleading Information	45	500.00
Fail to Provide Change of Information	46	500.00
Fail to Provide License	47	500.00